



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB2280

Introduced 2/15/2013, by Sen. Wm. Sam McCann

#### SYNOPSIS AS INTRODUCED:

See Index

Provides that Act may be referred to as the Constitutional Right to Carry a Firearm Act. Amends the Criminal Code of 2012. Allows a person 21 or older to carry on his or her person, openly or concealed, a firearm and firearm ammunition, unless otherwise prohibited. Allows a person 18 to 20 years of age to carry on his or her person, openly or concealed, a firearm and firearm ammunition if a member or honorably discharged veteran of the United States Armed Forces, unless otherwise prohibited. Prohibits the following persons from possessing or carrying a firearm and firearm ammunition: (1) convicted of a felony or if under 21 certain misdemeanors; (2) convicted of misdemeanor domestic violence; (3) fugitive from justice; (4) unlawful user or addicted to any controlled substance; (5) intellectually disabled, adjudicated as a mental defective, or been committed to a mental institution; (6) illegally in the United States or admitted to the United States under a nonimmigrant visa but provides exceptions; (7) has renounced United States citizenship; (10) dishonorably discharged from the Armed Forces; or (11) subject to a court restraining order from harassing, stalking, or threatening an intimate partner, child of the intimate partner, or person, or engaging in conduct that would place an these persons in reasonable fear of bodily injury. Repeals the Firearm Owners Identification Card Act and unlawful possession of a firearm and firearm ammunition. Amends various Acts to make conforming changes. Effective immediately.

LRB098 06719 MRW 36766 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

1 AN ACT concerning firearms, which may be referred to as the  
2 Constitutional Right to Carry a Firearm Act.

3 **Be it enacted by the People of the State of Illinois,**  
4 **represented in the General Assembly:**

5 Section 5. The Freedom of Information Act is amended by  
6 changing Section 7.5 as follows:

7 (5 ILCS 140/7.5)

8 Sec. 7.5. Statutory Exemptions. To the extent provided for  
9 by the statutes referenced below, the following shall be exempt  
10 from inspection and copying:

11 (a) All information determined to be confidential under  
12 Section 4002 of the Technology Advancement and Development Act.

13 (b) Library circulation and order records identifying  
14 library users with specific materials under the Library Records  
15 Confidentiality Act.

16 (c) Applications, related documents, and medical records  
17 received by the Experimental Organ Transplantation Procedures  
18 Board and any and all documents or other records prepared by  
19 the Experimental Organ Transplantation Procedures Board or its  
20 staff relating to applications it has received.

21 (d) Information and records held by the Department of  
22 Public Health and its authorized representatives relating to  
23 known or suspected cases of sexually transmissible disease or

1 any information the disclosure of which is restricted under the  
2 Illinois Sexually Transmissible Disease Control Act.

3 (e) Information the disclosure of which is exempted under  
4 Section 30 of the Radon Industry Licensing Act.

5 (f) Firm performance evaluations under Section 55 of the  
6 Architectural, Engineering, and Land Surveying Qualifications  
7 Based Selection Act.

8 (g) Information the disclosure of which is restricted and  
9 exempted under Section 50 of the Illinois Prepaid Tuition Act.

10 (h) Information the disclosure of which is exempted under  
11 the State Officials and Employees Ethics Act, and records of  
12 any lawfully created State or local inspector general's office  
13 that would be exempt if created or obtained by an Executive  
14 Inspector General's office under that Act.

15 (i) Information contained in a local emergency energy plan  
16 submitted to a municipality in accordance with a local  
17 emergency energy plan ordinance that is adopted under Section  
18 11-21.5-5 of the Illinois Municipal Code.

19 (j) Information and data concerning the distribution of  
20 surcharge moneys collected and remitted by wireless carriers  
21 under the Wireless Emergency Telephone Safety Act.

22 (k) Law enforcement officer identification information or  
23 driver identification information compiled by a law  
24 enforcement agency or the Department of Transportation under  
25 Section 11-212 of the Illinois Vehicle Code.

26 (l) Records and information provided to a residential

1 health care facility resident sexual assault and death review  
2 team or the Executive Council under the Abuse Prevention Review  
3 Team Act.

4 (m) Information provided to the predatory lending database  
5 created pursuant to Article 3 of the Residential Real Property  
6 Disclosure Act, except to the extent authorized under that  
7 Article.

8 (n) Defense budgets and petitions for certification of  
9 compensation and expenses for court appointed trial counsel as  
10 provided under Sections 10 and 15 of the Capital Crimes  
11 Litigation Act. This subsection (n) shall apply until the  
12 conclusion of the trial of the case, even if the prosecution  
13 chooses not to pursue the death penalty prior to trial or  
14 sentencing.

15 (o) Information that is prohibited from being disclosed  
16 under Section 4 of the Illinois Health and Hazardous Substances  
17 Registry Act.

18 (p) Security portions of system safety program plans,  
19 investigation reports, surveys, schedules, lists, data, or  
20 information compiled, collected, or prepared by or for the  
21 Regional Transportation Authority under Section 2.11 of the  
22 Regional Transportation Authority Act or the St. Clair County  
23 Transit District under the Bi-State Transit Safety Act.

24 (q) Information prohibited from being disclosed by the  
25 Personnel Records Review Act.

26 (r) Information prohibited from being disclosed by the

1 Illinois School Student Records Act.

2 (s) Information the disclosure of which is restricted under  
3 Section 5-108 of the Public Utilities Act.

4 (t) All identified or deidentified health information in  
5 the form of health data or medical records contained in, stored  
6 in, submitted to, transferred by, or released from the Illinois  
7 Health Information Exchange, and identified or deidentified  
8 health information in the form of health data and medical  
9 records of the Illinois Health Information Exchange in the  
10 possession of the Illinois Health Information Exchange  
11 Authority due to its administration of the Illinois Health  
12 Information Exchange. The terms "identified" and  
13 "deidentified" shall be given the same meaning as in the Health  
14 Insurance Accountability and Portability Act of 1996, Public  
15 Law 104-191, or any subsequent amendments thereto, and any  
16 regulations promulgated thereunder.

17 (u) Records and information provided to an independent team  
18 of experts under Brian's Law.

19 (v) Names and information of people who have applied for or  
20 received Firearm Owner's Identification Cards under the  
21 Firearm Owners Identification Card Act before the effective  
22 date of this amendatory Act of the 98th General Assembly.

23 (w) Personally identifiable information which is exempted  
24 from disclosure under subsection (g) of Section 19.1 of the  
25 Toll Highway Act.

26 (x) Information which is exempted from disclosure under

1 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the  
2 Illinois Municipal Code.

3 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;  
4 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.  
5 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,  
6 eff. 1-1-13.)

7 Section 10. The Secretary of State Merit Employment Code is  
8 amended by changing Section 10b.1 as follows:

9 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

10 Sec. 10b.1. Competitive examinations.

11 (a) For open competitive examinations to test the relative  
12 fitness of applicants for the respective positions. Tests shall  
13 be designed to eliminate those who are not qualified for  
14 entrance into the Office of the Secretary of State and to  
15 discover the relative fitness of those who are qualified. The  
16 Director may use any one of or any combination of the following  
17 examination methods which in his judgment best serves this end:  
18 investigation of education and experience; test of cultural  
19 knowledge; test of capacity; test of knowledge; test of manual  
20 skill; test of linguistic ability; test of character; test of  
21 physical skill; test of psychological fitness. No person with a  
22 record of misdemeanor convictions except those under Sections  
23 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,  
24 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-0.1,

1 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,  
2 32-3, 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of  
3 Section 11-14.3, and sub-sections 1, 6 and 8 of Section 24-1 of  
4 the Criminal Code of 1961 or the Criminal Code of 2012, or  
5 arrested for any cause but not convicted thereon shall be  
6 disqualified from taking such examinations or subsequent  
7 appointment unless the person is attempting to qualify for a  
8 position which would give him the powers of a peace officer, in  
9 which case the person's conviction or arrest record may be  
10 considered as a factor in determining the person's fitness for  
11 the position. All examinations shall be announced publicly at  
12 least 2 weeks in advance of the date of examinations and may be  
13 advertised through the press, radio or other media.

14 The Director may, at his discretion, accept the results of  
15 competitive examinations conducted by any merit system  
16 established by Federal law or by the law of any State, and may  
17 compile eligible lists therefrom or may add the names of  
18 successful candidates in examinations conducted by those merit  
19 systems to existing eligible lists in accordance with their  
20 respective ratings. No person who is a non-resident of the  
21 State of Illinois may be appointed from those eligible lists,  
22 however, unless the requirement that applicants be residents of  
23 the State of Illinois is waived by the Director of Personnel  
24 and unless there are less than 3 Illinois residents available  
25 for appointment from the appropriate eligible list. The results  
26 of the examinations conducted by other merit systems may not be

1 used unless they are comparable in difficulty and  
2 comprehensiveness to examinations conducted by the Department  
3 of Personnel for similar positions. Special linguistic options  
4 may also be established where deemed appropriate.

5 (b) The Director of Personnel may require that each person  
6 seeking employment with the Secretary of State, as part of the  
7 application process, authorize an investigation to determine  
8 if the applicant has ever been convicted of a crime and if so,  
9 the disposition of those convictions; this authorization shall  
10 indicate the scope of the inquiry and the agencies which may be  
11 contacted. Upon this authorization, the Director of Personnel  
12 may request and receive information and assistance from any  
13 federal, state or local governmental agency as part of the  
14 authorized investigation. The investigation shall be  
15 undertaken after the fingerprinting of an applicant in the form  
16 and manner prescribed by the Department of State Police. The  
17 investigation shall consist of a criminal history records check  
18 performed by the Department of State Police and the Federal  
19 Bureau of Investigation, or some other entity that has the  
20 ability to check the applicant's fingerprints against the  
21 fingerprint records now and hereafter filed in the Department  
22 of State Police and Federal Bureau of Investigation criminal  
23 history records databases. If the Department of State Police  
24 and the Federal Bureau of Investigation conduct an  
25 investigation directly for the Secretary of State's Office,  
26 then the Department of State Police shall charge a fee for

1 conducting the criminal history records check, which shall be  
2 deposited in the State Police Services Fund and shall not  
3 exceed the actual cost of the records check. The Department of  
4 State Police shall provide information concerning any criminal  
5 convictions, and their disposition, brought against the  
6 applicant or prospective employee of the Secretary of State  
7 upon request of the Department of Personnel when the request is  
8 made in the form and manner required by the Department of State  
9 Police. The information derived from this investigation,  
10 including the source of this information, and any conclusions  
11 or recommendations derived from this information by the  
12 Director of Personnel shall be provided to the applicant or  
13 prospective employee, or his designee, upon request to the  
14 Director of Personnel prior to any final action by the Director  
15 of Personnel on the application. No information obtained from  
16 such investigation may be placed in any automated information  
17 system. Any criminal convictions and their disposition  
18 information obtained by the Director of Personnel shall be  
19 confidential and may not be transmitted outside the Office of  
20 the Secretary of State, except as required herein, and may not  
21 be transmitted to anyone within the Office of the Secretary of  
22 State except as needed for the purpose of evaluating the  
23 application. The only physical identity materials which the  
24 applicant or prospective employee can be required to provide  
25 the Director of Personnel are photographs or fingerprints;  
26 these shall be returned to the applicant or prospective

1 employee upon request to the Director of Personnel, after the  
2 investigation has been completed and no copy of these materials  
3 may be kept by the Director of Personnel or any agency to which  
4 such identity materials were transmitted. Only information and  
5 standards which bear a reasonable and rational relation to the  
6 performance of an employee shall be used by the Director of  
7 Personnel. The Secretary of State shall adopt rules and  
8 regulations for the administration of this Section. Any  
9 employee of the Secretary of State who gives or causes to be  
10 given away any confidential information concerning any  
11 criminal convictions and their disposition of an applicant or  
12 prospective employee shall be guilty of a Class A misdemeanor  
13 unless release of such information is authorized by this  
14 Section.

15 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

16 Section 15. The Comptroller Merit Employment Code is  
17 amended by changing Section 10b.1 as follows:

18 (15 ILCS 410/10b.1) (from Ch. 15, par. 426)

19 Sec. 10b.1. Competitive examinations. For open competitive  
20 examinations to test the relative fitness of applicants for the  
21 respective positions. Tests shall be designed to eliminate  
22 those who are not qualified for entrance into the Office of the  
23 Comptroller and to discover the relative fitness of those who  
24 are qualified. The Director may use any one of or any

1 combination of the following examination methods which in his  
2 judgment best serves this end: investigation of education and  
3 experience; test of cultural knowledge; test of capacity; test  
4 of knowledge; test of manual skill; test of linguistic ability;  
5 test of character; test of physical skill; test of  
6 psychological fitness. No person with a record of misdemeanor  
7 convictions except those under Sections 11-1.50, 11-6, 11-7,  
8 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
9 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-0.1, 24-3.1, 24-5, 25-1,  
10 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
11 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
12 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of  
13 1961 or the Criminal Code of 2012, or arrested for any cause  
14 but not convicted thereon shall be disqualified from taking  
15 such examinations or subsequent appointment unless the person  
16 is attempting to qualify for a position which entails financial  
17 responsibilities, in which case the person's conviction or  
18 arrest record may be considered as a factor in determining the  
19 person's fitness for the position. All examinations shall be  
20 announced publicly at least 2 weeks in advance of the date of  
21 examinations and may be advertised through the press, radio or  
22 other media.

23 The Director may, at his or her discretion, accept the  
24 results of competitive examinations conducted by any merit  
25 system established by Federal law or by the law of any State,  
26 and may compile eligible lists therefrom or may add the names

1 of successful candidates in examinations conducted by those  
2 merit systems to existing eligible lists in accordance with  
3 their respective ratings. No person who is a non-resident of  
4 the State of Illinois may be appointed from those eligible  
5 lists, however, unless the requirement that applicants be  
6 residents of the State of Illinois is waived by the Director of  
7 Human Resources and unless there are less than 3 Illinois  
8 residents available for appointment from the appropriate  
9 eligible list. The results of the examinations conducted by  
10 other merit systems may not be used unless they are comparable  
11 in difficulty and comprehensiveness to examinations conducted  
12 by the Department of Human Resources for similar positions.  
13 Special linguistic options may also be established where deemed  
14 appropriate.

15 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

16 Section 20. The Personnel Code is amended by changing  
17 Section 8b.1 as follows:

18 (20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)

19 Sec. 8b.1. For open competitive examinations to test the  
20 relative fitness of applicants for the respective positions.

21 Tests shall be designed to eliminate those who are not  
22 qualified for entrance into or promotion within the service,  
23 and to discover the relative fitness of those who are  
24 qualified. The Director may use any one of or any combination

1 of the following examination methods which in his judgment best  
2 serves this end: investigation of education; investigation of  
3 experience; test of cultural knowledge; test of capacity; test  
4 of knowledge; test of manual skill; test of linguistic ability;  
5 test of character; test of physical fitness; test of  
6 psychological fitness. No person with a record of misdemeanor  
7 convictions except those under Sections 11-1.50, 11-6, 11-7,  
8 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
9 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-0.1, 24-3.1, 24-5, 25-1,  
10 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
11 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
12 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of  
13 1961 or the Criminal Code of 2012, or arrested for any cause  
14 but not convicted thereon shall be disqualified from taking  
15 such examinations or subsequent appointment, unless the person  
16 is attempting to qualify for a position which would give him  
17 the powers of a peace officer, in which case the person's  
18 conviction or arrest record may be considered as a factor in  
19 determining the person's fitness for the position. The  
20 eligibility conditions specified for the position of Assistant  
21 Director of Healthcare and Family Services in the Department of  
22 Healthcare and Family Services in Section 5-230 of the  
23 Departments of State Government Law (20 ILCS 5/5-230) shall be  
24 applied to that position in addition to other standards, tests  
25 or criteria established by the Director. All examinations shall  
26 be announced publicly at least 2 weeks in advance of the date

1 of the examinations and may be advertised through the press,  
2 radio and other media. The Director may, however, in his  
3 discretion, continue to receive applications and examine  
4 candidates long enough to assure a sufficient number of  
5 eligibles to meet the needs of the service and may add the  
6 names of successful candidates to existing eligible lists in  
7 accordance with their respective ratings.

8 The Director may, in his discretion, accept the results of  
9 competitive examinations conducted by any merit system  
10 established by federal law or by the law of any State, and may  
11 compile eligible lists therefrom or may add the names of  
12 successful candidates in examinations conducted by those merit  
13 systems to existing eligible lists in accordance with their  
14 respective ratings. No person who is a non-resident of the  
15 State of Illinois may be appointed from those eligible lists,  
16 however, unless the requirement that applicants be residents of  
17 the State of Illinois is waived by the Director of Central  
18 Management Services and unless there are less than 3 Illinois  
19 residents available for appointment from the appropriate  
20 eligible list. The results of the examinations conducted by  
21 other merit systems may not be used unless they are comparable  
22 in difficulty and comprehensiveness to examinations conducted  
23 by the Department of Central Management Services for similar  
24 positions. Special linguistic options may also be established  
25 where deemed appropriate.

26 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

1           Section 25. The Department of State Police Law of the Civil  
2           Administrative Code of Illinois is amended by changing Section  
3           2605-45 as follows:

4           (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

5           Sec. 2605-45. Division of Administration. The Division of  
6           Administration shall exercise the following functions:

7           (1) Exercise the rights, powers, and duties vested in  
8           the Department by the Governor's Office of Management and  
9           Budget Act.

10          (2) Pursue research and the publication of studies  
11          pertaining to local law enforcement activities.

12          (3) Exercise the rights, powers, and duties vested in  
13          the Department by the Personnel Code.

14          (4) Operate an electronic data processing and computer  
15          center for the storage and retrieval of data pertaining to  
16          criminal activity.

17          (5) Exercise the rights, powers, and duties vested in  
18          the former Division of State Troopers by Section 17 of the  
19          State Police Act.

20          (6) Exercise the rights, powers, and duties vested in  
21          the Department by "An Act relating to internal auditing in  
22          State government", approved August 11, 1967 (repealed; now  
23          the Fiscal Control and Internal Auditing Act, 30 ILCS 10/).

24          (6.5) (Blank). ~~Exercise the rights, powers, and duties~~

1 ~~vested in the Department by the Firearm Owners~~  
2 ~~Identification Card Act.~~

3 (7) Exercise other duties that may be assigned by the  
4 Director to fulfill the responsibilities and achieve the  
5 purposes of the Department.

6 (Source: P.A. 94-793, eff. 5-19-06.)

7 (20 ILCS 2605/2605-120 rep.)

8 Section 30. The Department of State Police Law of the Civil  
9 Administrative Code of Illinois is amended by repealing Section  
10 2605-120.

11 Section 35. The Criminal Identification Act is amended by  
12 changing Section 2.2 as follows:

13 (20 ILCS 2630/2.2)

14 Sec. 2.2. Notification to the Department. Upon judgment of  
15 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,  
16 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal  
17 Code of 2012 when the defendant has been determined, under  
18 ~~pursuant to~~ Section 112A-11.1 of the Code of Criminal Procedure  
19 of 1963, to be subject to the prohibitions of 18 U.S.C.  
20 922(g)(9), the circuit court clerk shall include notification  
21 and a copy of the written determination in a report of the  
22 conviction to the Department of State Police ~~Firearm Owner's~~  
23 ~~Identification Card Office~~ to enable the Department ~~office~~ to

1 ~~perform its duties under Sections 4 and 8 of the Firearm Owners~~  
2 ~~Identification Card Act and to report that determination to the~~  
3 ~~Federal Bureau of Investigation~~ to assist the Federal Bureau of  
4 Investigation in identifying persons prohibited from  
5 purchasing and possessing a firearm under ~~pursuant to~~ the  
6 provisions of 18 U.S.C. 922. The written determination  
7 described in this Section shall be included in the defendant's  
8 record of arrest and conviction in the manner and form  
9 prescribed by the Department of State Police.

10 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

11 Section 45. The Peace Officer Firearm Training Act is  
12 amended by changing Section 1 as follows:

13 (50 ILCS 710/1) (from Ch. 85, par. 515)

14 Sec. 1. Definitions. As used in this Act:

15 (a) "Peace officer" means (i) any person who by virtue of  
16 his office or public employment is vested by law with a primary  
17 duty to maintain public order or to make arrests for offenses,  
18 whether that duty extends to all offenses or is limited to  
19 specific offenses, and who is employed in such capacity by any  
20 county or municipality or (ii) any retired law enforcement  
21 officers qualified under federal law to carry a concealed  
22 weapon.

23 (b) "Firearms" means any weapon or device defined as a  
24 firearm in Section 2-7.5 of the Criminal Code of 2012 ~~1.1 of~~

1 ~~"An Act relating to the acquisition, possession and transfer of~~  
2 ~~firearms and firearm ammunition, to provide a penalty for the~~  
3 ~~violation thereof and to make an appropriation in connection~~  
4 ~~therewith", approved August 3, 1967, as amended.~~

5 (Source: P.A. 94-103, eff. 7-1-05.)

6 Section 50. The Illinois Municipal Code is amended by  
7 changing Sections 10-1-7, 10-1-7.1, 10-2.1-6, and 10-2.1-6.3  
8 as follows:

9 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

10 Sec. 10-1-7. Examination of applicants; disqualifications.

11 (a) All applicants for offices or places in the classified  
12 service, except those mentioned in Section 10-1-17, are subject  
13 to examination. The examination shall be public, competitive,  
14 and open to all citizens of the United States, with specified  
15 limitations as to residence, age, health, habits and moral  
16 character.

17 (b) Residency requirements in effect at the time an  
18 individual enters the fire or police service of a municipality  
19 (other than a municipality that has more than 1,000,000  
20 inhabitants) cannot be made more restrictive for that  
21 individual during his or her period of service for that  
22 municipality, or be made a condition of promotion, except for  
23 the rank or position of Fire or Police Chief.

24 (c) No person with a record of misdemeanor convictions

1 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,  
2 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,  
3 14-4, 16-1, 21.1-3, 24-0.1, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
4 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
5 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
6 subsections (1), (6) and (8) of Section 24-1 of the Criminal  
7 Code of 1961 or the Criminal Code of 2012 or arrested for any  
8 cause but not convicted on that cause shall be disqualified  
9 from taking the examination on grounds of habits or moral  
10 character, unless the person is attempting to qualify for a  
11 position on the police department, in which case the conviction  
12 or arrest may be considered as a factor in determining the  
13 person's habits or moral character.

14 (d) Persons entitled to military preference under Section  
15 10-1-16 shall not be subject to limitations specifying age  
16 unless they are applicants for a position as a fireman or a  
17 policeman having no previous employment status as a fireman or  
18 policeman in the regularly constituted fire or police  
19 department of the municipality, in which case they must not  
20 have attained their 35th birthday, except any person who has  
21 served as an auxiliary police officer under Section 3.1-30-20  
22 for at least 5 years and is under 40 years of age.

23 (e) All employees of a municipality of less than 500,000  
24 population (except those who would be excluded from the  
25 classified service as provided in this Division 1) who are  
26 holding that employment as of the date a municipality adopts

1 this Division 1, or as of July 17, 1959, whichever date is the  
2 later, and who have held that employment for at least 2 years  
3 immediately before that later date, and all firemen and  
4 policemen regardless of length of service who were either  
5 appointed to their respective positions by the board of fire  
6 and police commissioners under the provisions of Division 2 of  
7 this Article or who are serving in a position (except as a  
8 temporary employee) in the fire or police department in the  
9 municipality on the date a municipality adopts this Division 1,  
10 or as of July 17, 1959, whichever date is the later, shall  
11 become members of the classified civil service of the  
12 municipality without examination.

13 (f) The examinations shall be practical in their character,  
14 and shall relate to those matters that will fairly test the  
15 relative capacity of the persons examined to discharge the  
16 duties of the positions to which they seek to be appointed. The  
17 examinations shall include tests of physical qualifications,  
18 health, and (when appropriate) manual skill. If an applicant is  
19 unable to pass the physical examination solely as the result of  
20 an injury received by the applicant as the result of the  
21 performance of an act of duty while working as a temporary  
22 employee in the position for which he or she is being examined,  
23 however, the physical examination shall be waived and the  
24 applicant shall be considered to have passed the examination.  
25 No questions in any examination shall relate to political or  
26 religious opinions or affiliations. Results of examinations

1 and the eligible registers prepared from the results shall be  
2 published by the commission within 60 days after any  
3 examinations are held.

4 (g) The commission shall control all examinations, and may,  
5 whenever an examination is to take place, designate a suitable  
6 number of persons, either in or not in the official service of  
7 the municipality, to be examiners. The examiners shall conduct  
8 the examinations as directed by the commission and shall make a  
9 return or report of the examinations to the commission. If the  
10 appointed examiners are in the official service of the  
11 municipality, the examiners shall not receive extra  
12 compensation for conducting the examinations unless the  
13 examiners are subject to a collective bargaining agreement with  
14 the municipality. The commission may at any time substitute any  
15 other person, whether or not in the service of the  
16 municipality, in the place of any one selected as an examiner.  
17 The commission members may themselves at any time act as  
18 examiners without appointing examiners. The examiners at any  
19 examination shall not all be members of the same political  
20 party.

21 (h) In municipalities of 500,000 or more population, no  
22 person who has attained his or her 35th birthday shall be  
23 eligible to take an examination for a position as a fireman or  
24 a policeman unless the person has had previous employment  
25 status as a policeman or fireman in the regularly constituted  
26 police or fire department of the municipality, except as

1 provided in this Section.

2 (i) In municipalities of more than 5,000 but not more than  
3 200,000 inhabitants, no person who has attained his or her 35th  
4 birthday shall be eligible to take an examination for a  
5 position as a fireman or a policeman unless the person has had  
6 previous employment status as a policeman or fireman in the  
7 regularly constituted police or fire department of the  
8 municipality, except as provided in this Section.

9 (j) In all municipalities, applicants who are 20 years of  
10 age and who have successfully completed 2 years of law  
11 enforcement studies at an accredited college or university may  
12 be considered for appointment to active duty with the police  
13 department. An applicant described in this subsection (j) who  
14 is appointed to active duty shall not have power of arrest, nor  
15 shall the applicant be permitted to carry firearms, until he or  
16 she reaches 21 years of age.

17 (k) In municipalities of more than 500,000 population,  
18 applications for examination for and appointment to positions  
19 as firefighters or police shall be made available at various  
20 branches of the public library of the municipality.

21 (l) No municipality having a population less than 1,000,000  
22 shall require that any fireman appointed to the lowest rank  
23 serve a probationary employment period of longer than one year.  
24 The limitation on periods of probationary employment provided  
25 in this amendatory Act of 1989 is an exclusive power and  
26 function of the State. Pursuant to subsection (h) of Section 6

1 of Article VII of the Illinois Constitution, a home rule  
2 municipality having a population less than 1,000,000 must  
3 comply with this limitation on periods of probationary  
4 employment, which is a denial and limitation of home rule  
5 powers. Notwithstanding anything to the contrary in this  
6 Section, the probationary employment period limitation may be  
7 extended for a firefighter who is required, as a condition of  
8 employment, to be a certified paramedic, during which time the  
9 sole reason that a firefighter may be discharged without a  
10 hearing is for failing to meet the requirements for paramedic  
11 certification.

12 (m) To the extent that this Section or any other Section in  
13 this Division conflicts with Section 10-1-7.1 or 10-1-7.2, then  
14 Section 10-1-7.1 or 10-1-7.2 shall control.

15 (Source: P.A. 96-1551, eff. 7-1-11; 97-251, eff. 8-4-11;  
16 97-898, eff. 8-6-12; 97-1109, eff. 1-1-13; 97-1150, eff.  
17 1-25-13.)

18 (65 ILCS 5/10-1-7.1)

19 Sec. 10-1-7.1. Original appointments; full-time fire  
20 department.

21 (a) Applicability. Unless a commission elects to follow the  
22 provisions of Section 10-1-7.2, this Section shall apply to all  
23 original appointments to an affected full-time fire  
24 department. Existing registers of eligibles shall continue to  
25 be valid until their expiration dates, or up to a maximum of 2

1 years after the effective date of this amendatory Act of the  
2 97th General Assembly.

3 Notwithstanding any statute, ordinance, rule, or other law  
4 to the contrary, all original appointments to an affected  
5 department to which this Section applies shall be administered  
6 in the manner provided for in this Section. Provisions of the  
7 Illinois Municipal Code, municipal ordinances, and rules  
8 adopted pursuant to such authority and other laws relating to  
9 initial hiring of firefighters in affected departments shall  
10 continue to apply to the extent they are compatible with this  
11 Section, but in the event of a conflict between this Section  
12 and any other law, this Section shall control.

13 A home rule or non-home rule municipality may not  
14 administer its fire department process for original  
15 appointments in a manner that is less stringent than this  
16 Section. This Section is a limitation under subsection (i) of  
17 Section 6 of Article VII of the Illinois Constitution on the  
18 concurrent exercise by home rule units of the powers and  
19 functions exercised by the State.

20 A municipality that is operating under a court order or  
21 consent decree regarding original appointments to a full-time  
22 fire department before the effective date of this amendatory  
23 Act of the 97th General Assembly is exempt from the  
24 requirements of this Section for the duration of the court  
25 order or consent decree.

26 Notwithstanding any other provision of this subsection

1 (a), this Section does not apply to a municipality with more  
2 than 1,000,000 inhabitants.

3 (b) Original appointments. All original appointments made  
4 to an affected fire department shall be made from a register of  
5 eligibles established in accordance with the processes  
6 established by this Section. Only persons who meet or exceed  
7 the performance standards required by this Section shall be  
8 placed on a register of eligibles for original appointment to  
9 an affected fire department.

10 Whenever an appointing authority authorizes action to hire  
11 a person to perform the duties of a firefighter or to hire a  
12 firefighter-paramedic to fill a position that is a new position  
13 or vacancy due to resignation, discharge, promotion, death, the  
14 granting of a disability or retirement pension, or any other  
15 cause, the appointing authority shall appoint to that position  
16 the person with the highest ranking on the final eligibility  
17 list. If the appointing authority has reason to conclude that  
18 the highest ranked person fails to meet the minimum standards  
19 for the position or if the appointing authority believes an  
20 alternate candidate would better serve the needs of the  
21 department, then the appointing authority has the right to pass  
22 over the highest ranked person and appoint either: (i) any  
23 person who has a ranking in the top 5% of the register of  
24 eligibles or (ii) any person who is among the top 5 highest  
25 ranked persons on the list of eligibles if the number of people  
26 who have a ranking in the top 5% of the register of eligibles

1 is less than 5 people.

2 Any candidate may pass on an appointment once without  
3 losing his or her position on the register of eligibles. Any  
4 candidate who passes a second time may be removed from the list  
5 by the appointing authority provided that such action shall not  
6 prejudice a person's opportunities to participate in future  
7 examinations, including an examination held during the time a  
8 candidate is already on the municipality's register of  
9 eligibles.

10 The sole authority to issue certificates of appointment  
11 shall be vested in the Civil Service Commission. All  
12 certificates of appointment issued to any officer or member of  
13 an affected department shall be signed by the chairperson and  
14 secretary, respectively, of the commission upon appointment of  
15 such officer or member to the affected department by the  
16 commission. Each person who accepts a certificate of  
17 appointment and successfully completes his or her probationary  
18 period shall be enrolled as a firefighter and as a regular  
19 member of the fire department.

20 For the purposes of this Section, "firefighter" means any  
21 person who has been prior to, on, or after the effective date  
22 of this amendatory Act of the 97th General Assembly appointed  
23 to a fire department or fire protection district or employed by  
24 a State university and sworn or commissioned to perform  
25 firefighter duties or paramedic duties, or both, except that  
26 the following persons are not included: part-time

1 firefighters; auxiliary, reserve, or voluntary firefighters,  
2 including paid-on-call firefighters; clerks and dispatchers or  
3 other civilian employees of a fire department or fire  
4 protection district who are not routinely expected to perform  
5 firefighter duties; and elected officials.

6 (c) Qualification for placement on register of eligibles.  
7 The purpose of establishing a register of eligibles is to  
8 identify applicants who possess and demonstrate the mental  
9 aptitude and physical ability to perform the duties required of  
10 members of the fire department in order to provide the highest  
11 quality of service to the public. To this end, all applicants  
12 for original appointment to an affected fire department shall  
13 be subject to examination and testing which shall be public,  
14 competitive, and open to all applicants unless the municipality  
15 shall by ordinance limit applicants to residents of the  
16 municipality, county or counties in which the municipality is  
17 located, State, or nation. Municipalities may establish  
18 educational, emergency medical service licensure, and other  
19 pre-requisites for participation in an examination or for hire  
20 as a firefighter. Any municipality may charge a fee to cover  
21 the costs of the application process.

22 Residency requirements in effect at the time an individual  
23 enters the fire service of a municipality cannot be made more  
24 restrictive for that individual during his or her period of  
25 service for that municipality, or be made a condition of  
26 promotion, except for the rank or position of fire chief and

1 for no more than 2 positions that rank immediately below that  
2 of the chief rank which are appointed positions pursuant to the  
3 Fire Department Promotion Act.

4 No person who is 35 years of age or older shall be eligible  
5 to take an examination for a position as a firefighter unless  
6 the person has had previous employment status as a firefighter  
7 in the regularly constituted fire department of the  
8 municipality, except as provided in this Section. The age  
9 limitation does not apply to:

10 (1) any person previously employed as a full-time  
11 firefighter in a regularly constituted fire department of  
12 (i) any municipality or fire protection district located in  
13 Illinois, (ii) a fire protection district whose  
14 obligations were assumed by a municipality under Section 21  
15 of the Fire Protection District Act, or (iii) a  
16 municipality whose obligations were taken over by a fire  
17 protection district, or

18 (2) any person who has served a municipality as a  
19 regularly enrolled volunteer, paid-on-call, or part-time  
20 firefighter for the 5 years immediately preceding the time  
21 that the municipality begins to use full-time firefighters  
22 to provide all or part of its fire protection service.

23 No person who is under 21 years of age shall be eligible  
24 for employment as a firefighter.

25 No applicant shall be examined concerning his or her  
26 political or religious opinions or affiliations. The

1 examinations shall be conducted by the commissioners of the  
2 municipality or their designees and agents.

3 No municipality shall require that any firefighter  
4 appointed to the lowest rank serve a probationary employment  
5 period of longer than one year of actual active employment,  
6 which may exclude periods of training, or injury or illness  
7 leaves, including duty related leave, in excess of 30 calendar  
8 days. Notwithstanding anything to the contrary in this Section,  
9 the probationary employment period limitation may be extended  
10 for a firefighter who is required, as a condition of  
11 employment, to be a certified paramedic, during which time the  
12 sole reason that a firefighter may be discharged without a  
13 hearing is for failing to meet the requirements for paramedic  
14 certification.

15 In the event that any applicant who has been found eligible  
16 for appointment and whose name has been placed upon the final  
17 eligibility register provided for in this Division 1 has not  
18 been appointed to a firefighter position within one year after  
19 the date of his or her physical ability examination, the  
20 commission may cause a second examination to be made of that  
21 applicant's physical ability prior to his or her appointment.  
22 If, after the second examination, the physical ability of the  
23 applicant shall be found to be less than the minimum standard  
24 fixed by the rules of the commission, the applicant shall not  
25 be appointed. The applicant's name may be retained upon the  
26 register of candidates eligible for appointment and when next

1 reached for certification and appointment that applicant may be  
2 again examined as provided in this Section, and if the physical  
3 ability of that applicant is found to be less than the minimum  
4 standard fixed by the rules of the commission, the applicant  
5 shall not be appointed, and the name of the applicant shall be  
6 removed from the register.

7 (d) Notice, examination, and testing components. Notice of  
8 the time, place, general scope, merit criteria for any  
9 subjective component, and fee of every examination shall be  
10 given by the commission, by a publication at least 2 weeks  
11 preceding the examination: (i) in one or more newspapers  
12 published in the municipality, or if no newspaper is published  
13 therein, then in one or more newspapers with a general  
14 circulation within the municipality, or (ii) on the  
15 municipality's Internet website. Additional notice of the  
16 examination may be given as the commission shall prescribe.

17 The examination and qualifying standards for employment of  
18 firefighters shall be based on: mental aptitude, physical  
19 ability, preferences, moral character, and health. The mental  
20 aptitude, physical ability, and preference components shall  
21 determine an applicant's qualification for and placement on the  
22 final register of eligibles. The examination may also include a  
23 subjective component based on merit criteria as determined by  
24 the commission. Scores from the examination must be made  
25 available to the public.

26 (e) Mental aptitude. No person who does not possess at

1 least a high school diploma or an equivalent high school  
2 education shall be placed on a register of eligibles.  
3 Examination of an applicant's mental aptitude shall be based  
4 upon a written examination. The examination shall be practical  
5 in character and relate to those matters that fairly test the  
6 capacity of the persons examined to discharge the duties  
7 performed by members of a fire department. Written examinations  
8 shall be administered in a manner that ensures the security and  
9 accuracy of the scores achieved.

10 (f) Physical ability. All candidates shall be required to  
11 undergo an examination of their physical ability to perform the  
12 essential functions included in the duties they may be called  
13 upon to perform as a member of a fire department. For the  
14 purposes of this Section, essential functions of the job are  
15 functions associated with duties that a firefighter may be  
16 called upon to perform in response to emergency calls. The  
17 frequency of the occurrence of those duties as part of the fire  
18 department's regular routine shall not be a controlling factor  
19 in the design of examination criteria or evolutions selected  
20 for testing. These physical examinations shall be open,  
21 competitive, and based on industry standards designed to test  
22 each applicant's physical abilities in the following  
23 dimensions:

24 (1) Muscular strength to perform tasks and evolutions  
25 that may be required in the performance of duties including  
26 grip strength, leg strength, and arm strength. Tests shall

1 be conducted under anaerobic as well as aerobic conditions  
2 to test both the candidate's speed and endurance in  
3 performing tasks and evolutions. Tasks tested may be based  
4 on standards developed, or approved, by the local  
5 appointing authority.

6 (2) The ability to climb ladders, operate from heights,  
7 walk or crawl in the dark along narrow and uneven surfaces,  
8 and operate in proximity to hazardous environments.

9 (3) The ability to carry out critical, time-sensitive,  
10 and complex problem solving during physical exertion in  
11 stressful and hazardous environments. The testing  
12 environment may be hot and dark with tightly enclosed  
13 spaces, flashing lights, sirens, and other distractions.

14 The tests utilized to measure each applicant's  
15 capabilities in each of these dimensions may be tests based on  
16 industry standards currently in use or equivalent tests  
17 approved by the Joint Labor-Management Committee of the Office  
18 of the State Fire Marshal.

19 Physical ability examinations administered under this  
20 Section shall be conducted with a reasonable number of proctors  
21 and monitors, open to the public, and subject to reasonable  
22 regulations of the commission.

23 (g) Scoring of examination components. Appointing  
24 authorities may create a preliminary eligibility register. A  
25 person shall be placed on the list based upon his or her  
26 passage of the written examination or the passage of the

1 written examination and the physical ability component.  
2 Passage of the written examination means a score that is at or  
3 above the median score for all applicants participating in the  
4 written test. The appointing authority may conduct the physical  
5 ability component and any subjective components subsequent to  
6 the posting of the preliminary eligibility register.

7 The examination components for an initial eligibility  
8 register shall be graded on a 100-point scale. A person's  
9 position on the list shall be determined by the following: (i)  
10 the person's score on the written examination, (ii) the person  
11 successfully passing the physical ability component, and (iii)  
12 the person's results on any subjective component as described  
13 in subsection (d).

14 In order to qualify for placement on the final eligibility  
15 register, an applicant's score on the written examination,  
16 before any applicable preference points or subjective points  
17 are applied, shall be at or above the median score. The local  
18 appointing authority may prescribe the score to qualify for  
19 placement on the final eligibility register, but the score  
20 shall not be less than the median score.

21 The commission shall prepare and keep a register of persons  
22 whose total score is not less than the minimum fixed by this  
23 Section and who have passed the physical ability examination.  
24 These persons shall take rank upon the register as candidates  
25 in the order of their relative excellence based on the highest  
26 to the lowest total points scored on the mental aptitude,

1 subjective component, and preference components of the test  
2 administered in accordance with this Section. No more than 60  
3 days after each examination, an initial eligibility list shall  
4 be posted by the commission. The list shall include the final  
5 grades of the candidates without reference to priority of the  
6 time of examination and subject to claim for preference credit.

7 Commissions may conduct additional examinations, including  
8 without limitation a polygraph test, after a final eligibility  
9 register is established and before it expires with the  
10 candidates ranked by total score without regard to date of  
11 examination. No more than 60 days after each examination, an  
12 initial eligibility list shall be posted by the commission  
13 showing the final grades of the candidates without reference to  
14 priority of time of examination and subject to claim for  
15 preference credit.

16 (h) Preferences. The following are preferences:

17 (1) Veteran preference. Persons who were engaged in the  
18 military service of the United States for a period of at  
19 least one year of active duty and who were honorably  
20 discharged therefrom, or who are now or have been members  
21 on inactive or reserve duty in such military or naval  
22 service, shall be preferred for appointment to and  
23 employment with the fire department of an affected  
24 department.

25 (2) Fire cadet preference. Persons who have  
26 successfully completed 2 years of study in fire techniques

1 or cadet training within a cadet program established under  
2 the rules of the Joint Labor and Management Committee  
3 (JLMC), as defined in Section 50 of the Fire Department  
4 Promotion Act, may be preferred for appointment to and  
5 employment with the fire department.

6 (3) Educational preference. Persons who have  
7 successfully obtained an associate's degree in the field of  
8 fire service or emergency medical services, or a bachelor's  
9 degree from an accredited college or university may be  
10 preferred for appointment to and employment with the fire  
11 department.

12 (4) Paramedic preference. Persons who have obtained  
13 certification as an Emergency Medical Technician-Paramedic  
14 (EMT-P) may be preferred for appointment to and employment  
15 with the fire department of an affected department  
16 providing emergency medical services.

17 (5) Experience preference. All persons employed by a  
18 municipality who have been paid-on-call or part-time  
19 certified Firefighter II, certified Firefighter III, State  
20 of Illinois or nationally licensed EMT-B or EMT-I, licensed  
21 paramedic, or any combination of those capacities may be  
22 awarded up to a maximum of 5 points. However, the applicant  
23 may not be awarded more than 0.5 points for each complete  
24 year of paid-on-call or part-time service. Applicants from  
25 outside the municipality who were employed as full-time  
26 firefighters or firefighter-paramedics by a fire

1 protection district or another municipality may be awarded  
2 up to 5 experience preference points. However, the  
3 applicant may not be awarded more than one point for each  
4 complete year of full-time service.

5 Upon request by the commission, the governing body of  
6 the municipality or in the case of applicants from outside  
7 the municipality the governing body of any fire protection  
8 district or any other municipality shall certify to the  
9 commission, within 10 days after the request, the number of  
10 years of successful paid-on-call, part-time, or full-time  
11 service of any person. A candidate may not receive the full  
12 amount of preference points under this subsection if the  
13 amount of points awarded would place the candidate before a  
14 veteran on the eligibility list. If more than one candidate  
15 receiving experience preference points is prevented from  
16 receiving all of their points due to not being allowed to  
17 pass a veteran, the candidates shall be placed on the list  
18 below the veteran in rank order based on the totals  
19 received if all points under this subsection were to be  
20 awarded. Any remaining ties on the list shall be determined  
21 by lot.

22 (6) Residency preference. Applicants whose principal  
23 residence is located within the fire department's  
24 jurisdiction may be preferred for appointment to and  
25 employment with the fire department.

26 (7) Additional preferences. Up to 5 additional

1 preference points may be awarded for unique categories  
2 based on an applicant's experience or background as  
3 identified by the commission.

4 (8) Scoring of preferences. The commission shall give  
5 preference for original appointment to persons designated  
6 in item (1) by adding to the final grade that they receive  
7 5 points for the recognized preference achieved. The  
8 commission shall determine the number of preference points  
9 for each category except (1). The number of preference  
10 points for each category shall range from 0 to 5. In  
11 determining the number of preference points, the  
12 commission shall prescribe that if a candidate earns the  
13 maximum number of preference points in all categories, that  
14 number may not be less than 10 nor more than 30. The  
15 commission shall give preference for original appointment  
16 to persons designated in items (2) through (7) by adding  
17 the requisite number of points to the final grade for each  
18 recognized preference achieved. The numerical result thus  
19 attained shall be applied by the commission in determining  
20 the final eligibility list and appointment from the  
21 eligibility list. The local appointing authority may  
22 prescribe the total number of preference points awarded  
23 under this Section, but the total number of preference  
24 points shall not be less than 10 points or more than 30  
25 points.

26 No person entitled to any preference shall be required to

1 claim the credit before any examination held under the  
2 provisions of this Section, but the preference shall be given  
3 after the posting or publication of the initial eligibility  
4 list or register at the request of a person entitled to a  
5 credit before any certification or appointments are made from  
6 the eligibility register, upon the furnishing of verifiable  
7 evidence and proof of qualifying preference credit. Candidates  
8 who are eligible for preference credit shall make a claim in  
9 writing within 10 days after the posting of the initial  
10 eligibility list, or the claim shall be deemed waived. Final  
11 eligibility registers shall be established after the awarding  
12 of verified preference points. All employment shall be subject  
13 to the commission's initial hire background review including,  
14 but not limited to, criminal history, employment history, moral  
15 character, oral examination, and medical and psychological  
16 examinations, all on a pass-fail basis. The medical and  
17 psychological examinations must be conducted last, and may only  
18 be performed after a conditional offer of employment has been  
19 extended.

20 Any person placed on an eligibility list who exceeds the  
21 age requirement before being appointed to a fire department  
22 shall remain eligible for appointment until the list is  
23 abolished, or his or her name has been on the list for a period  
24 of 2 years. No person who has attained the age of 35 years  
25 shall be inducted into a fire department, except as otherwise  
26 provided in this Section.

1           The commission shall strike off the names of candidates for  
2 original appointment after the names have been on the list for  
3 more than 2 years.

4           (i) Moral character. No person shall be appointed to a fire  
5 department unless he or she is a person of good character; not  
6 a habitual drunkard, a gambler, or a person who has been  
7 convicted of a felony or a crime involving moral turpitude.  
8 However, no person shall be disqualified from appointment to  
9 the fire department because of the person's record of  
10 misdemeanor convictions except those under Sections 11-6,  
11 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
12 12-15, 14-4, 16-1, 21.1-3, 24-0.1, 24-3.1, 24-5, 25-1, 28-3,  
13 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and  
14 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of  
15 1961 or the Criminal Code of 2012, or arrest for any cause  
16 without conviction thereon. Any such person who is in the  
17 department may be removed on charges brought for violating this  
18 subsection and after a trial as hereinafter provided.

19           A classifiable set of the fingerprints of every person who  
20 is offered employment as a certificated member of an affected  
21 fire department whether with or without compensation, shall be  
22 furnished to the Illinois Department of State Police and to the  
23 Federal Bureau of Investigation by the commission.

24           Whenever a commission is authorized or required by law to  
25 consider some aspect of criminal history record information for  
26 the purpose of carrying out its statutory powers and

1 responsibilities, then, upon request and payment of fees in  
2 conformance with the requirements of Section 2605-400 of the  
3 State Police Law of the Civil Administrative Code of Illinois,  
4 the Department of State Police is authorized to furnish,  
5 pursuant to positive identification, the information contained  
6 in State files as is necessary to fulfill the request.

7 (j) Temporary appointments. In order to prevent a stoppage  
8 of public business, to meet extraordinary exigencies, or to  
9 prevent material impairment of the fire department, the  
10 commission may make temporary appointments, to remain in force  
11 only until regular appointments are made under the provisions  
12 of this Division, but never to exceed 60 days. No temporary  
13 appointment of any one person shall be made more than twice in  
14 any calendar year.

15 (k) A person who knowingly divulges or receives test  
16 questions or answers before a written examination, or otherwise  
17 knowingly violates or subverts any requirement of this Section,  
18 commits a violation of this Section and may be subject to  
19 charges for official misconduct.

20 A person who is the knowing recipient of test information  
21 in advance of the examination shall be disqualified from the  
22 examination or discharged from the position to which he or she  
23 was appointed, as applicable, and otherwise subjected to  
24 disciplinary actions.

25 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;  
26 97-1150, eff. 1-25-13.)

1 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

2 Sec. 10-2.1-6. Examination of applicants;  
3 disqualifications.

4 (a) All applicants for a position in either the fire or  
5 police department of the municipality shall be under 35 years  
6 of age, shall be subject to an examination that shall be  
7 public, competitive, and open to all applicants (unless the  
8 council or board of trustees by ordinance limit applicants to  
9 electors of the municipality, county, state or nation) and  
10 shall be subject to reasonable limitations as to residence,  
11 health, habits, and moral character. The municipality may not  
12 charge or collect any fee from an applicant who has met all  
13 prequalification standards established by the municipality for  
14 any such position. With respect to a police department, a  
15 veteran shall be allowed to exceed the maximum age provision of  
16 this Section by the number of years served on active military  
17 duty, but by no more than 10 years of active military duty.

18 (b) Residency requirements in effect at the time an  
19 individual enters the fire or police service of a municipality  
20 (other than a municipality that has more than 1,000,000  
21 inhabitants) cannot be made more restrictive for that  
22 individual during his period of service for that municipality,  
23 or be made a condition of promotion, except for the rank or  
24 position of Fire or Police Chief.

25 (c) No person with a record of misdemeanor convictions

1 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,  
2 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,  
3 14-4, 16-1, 21.1-3, 24-0.1, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
4 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
5 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
6 subsections (1), (6) and (8) of Section 24-1 of the Criminal  
7 Code of 1961 or the Criminal Code of 2012, or arrested for any  
8 cause but not convicted on that cause shall be disqualified  
9 from taking the examination to qualify for a position in the  
10 fire department on grounds of habits or moral character.

11 (d) The age limitation in subsection (a) does not apply (i)  
12 to any person previously employed as a policeman or fireman in  
13 a regularly constituted police or fire department of (I) any  
14 municipality, regardless of whether the municipality is  
15 located in Illinois or in another state, or (II) a fire  
16 protection district whose obligations were assumed by a  
17 municipality under Section 21 of the Fire Protection District  
18 Act, (ii) to any person who has served a municipality as a  
19 regularly enrolled volunteer fireman for 5 years immediately  
20 preceding the time that municipality begins to use full time  
21 firemen to provide all or part of its fire protection service,  
22 or (iii) to any person who has served as an auxiliary police  
23 officer under Section 3.1-30-20 for at least 5 years and is  
24 under 40 years of age, (iv) to any person who has served as a  
25 deputy under Section 3-6008 of the Counties Code and otherwise  
26 meets necessary training requirements, or (v) to any person who

1 has served as a sworn officer as a member of the Illinois  
2 Department of State Police.

3 (e) Applicants who are 20 years of age and who have  
4 successfully completed 2 years of law enforcement studies at an  
5 accredited college or university may be considered for  
6 appointment to active duty with the police department. An  
7 applicant described in this subsection (e) who is appointed to  
8 active duty shall not have power of arrest, nor shall the  
9 applicant be permitted to carry firearms, until he or she  
10 reaches 21 years of age.

11 (f) Applicants who are 18 years of age and who have  
12 successfully completed 2 years of study in fire techniques,  
13 amounting to a total of 4 high school credits, within the cadet  
14 program of a municipality may be considered for appointment to  
15 active duty with the fire department of any municipality.

16 (g) The council or board of trustees may by ordinance  
17 provide that persons residing outside the municipality are  
18 eligible to take the examination.

19 (h) The examinations shall be practical in character and  
20 relate to those matters that will fairly test the capacity of  
21 the persons examined to discharge the duties of the positions  
22 to which they seek appointment. No person shall be appointed to  
23 the police or fire department if he or she does not possess a  
24 high school diploma or an equivalent high school education. A  
25 board of fire and police commissioners may, by its rules,  
26 require police applicants to have obtained an associate's

1 degree or a bachelor's degree as a prerequisite for employment.  
2 The examinations shall include tests of physical  
3 qualifications and health. A board of fire and police  
4 commissioners may, by its rules, waive portions of the required  
5 examination for police applicants who have previously been  
6 full-time sworn officers of a regular police department in any  
7 municipal, county, university, or State law enforcement  
8 agency, provided they are certified by the Illinois Law  
9 Enforcement Training Standards Board and have been with their  
10 respective law enforcement agency within the State for at least  
11 2 years. No person shall be appointed to the police or fire  
12 department if he or she has suffered the amputation of any limb  
13 unless the applicant's duties will be only clerical or as a  
14 radio operator. No applicant shall be examined concerning his  
15 or her political or religious opinions or affiliations. The  
16 examinations shall be conducted by the board of fire and police  
17 commissioners of the municipality as provided in this Division  
18 2.1.

19 (i) No person who is classified by his local selective  
20 service draft board as a conscientious objector, or who has  
21 ever been so classified, may be appointed to the police  
22 department.

23 (j) No person shall be appointed to the police or fire  
24 department unless he or she is a person of good character and  
25 not an habitual drunkard, gambler, or a person who has been  
26 convicted of a felony or a crime involving moral turpitude. No

1 person, however, shall be disqualified from appointment to the  
2 fire department because of his or her record of misdemeanor  
3 convictions except those under Sections 11-1.50, 11-6, 11-7,  
4 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
5 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-0.1, 24-3.1, 24-5, 25-1,  
6 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
7 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
8 subsections (1), (6) and (8) of Section 24-1 of the Criminal  
9 Code of 1961 or the Criminal Code of 2012, or arrest for any  
10 cause without conviction on that cause. Any such person who is  
11 in the department may be removed on charges brought and after a  
12 trial as provided in this Division 2.1.

13 (Source: P.A. 96-472, eff. 8-14-09; 96-1551, eff. 7-1-11;  
14 97-1150, eff. 1-25-13.)

15 (65 ILCS 5/10-2.1-6.3)

16 Sec. 10-2.1-6.3. Original appointments; full-time fire  
17 department.

18 (a) Applicability. Unless a commission elects to follow the  
19 provisions of Section 10-2.1-6.4, this Section shall apply to  
20 all original appointments to an affected full-time fire  
21 department. Existing registers of eligibles shall continue to  
22 be valid until their expiration dates, or up to a maximum of 2  
23 years after the effective date of this amendatory Act of the  
24 97th General Assembly.

25 Notwithstanding any statute, ordinance, rule, or other law

1 to the contrary, all original appointments to an affected  
2 department to which this Section applies shall be administered  
3 in the manner provided for in this Section. Provisions of the  
4 Illinois Municipal Code, municipal ordinances, and rules  
5 adopted pursuant to such authority and other laws relating to  
6 initial hiring of firefighters in affected departments shall  
7 continue to apply to the extent they are compatible with this  
8 Section, but in the event of a conflict between this Section  
9 and any other law, this Section shall control.

10 A home rule or non-home rule municipality may not  
11 administer its fire department process for original  
12 appointments in a manner that is less stringent than this  
13 Section. This Section is a limitation under subsection (i) of  
14 Section 6 of Article VII of the Illinois Constitution on the  
15 concurrent exercise by home rule units of the powers and  
16 functions exercised by the State.

17 A municipality that is operating under a court order or  
18 consent decree regarding original appointments to a full-time  
19 fire department before the effective date of this amendatory  
20 Act of the 97th General Assembly is exempt from the  
21 requirements of this Section for the duration of the court  
22 order or consent decree.

23 Notwithstanding any other provision of this subsection  
24 (a), this Section does not apply to a municipality with more  
25 than 1,000,000 inhabitants.

26 (b) Original appointments. All original appointments made

1 to an affected fire department shall be made from a register of  
2 eligibles established in accordance with the processes  
3 established by this Section. Only persons who meet or exceed  
4 the performance standards required by this Section shall be  
5 placed on a register of eligibles for original appointment to  
6 an affected fire department.

7 Whenever an appointing authority authorizes action to hire  
8 a person to perform the duties of a firefighter or to hire a  
9 firefighter-paramedic to fill a position that is a new position  
10 or vacancy due to resignation, discharge, promotion, death, the  
11 granting of a disability or retirement pension, or any other  
12 cause, the appointing authority shall appoint to that position  
13 the person with the highest ranking on the final eligibility  
14 list. If the appointing authority has reason to conclude that  
15 the highest ranked person fails to meet the minimum standards  
16 for the position or if the appointing authority believes an  
17 alternate candidate would better serve the needs of the  
18 department, then the appointing authority has the right to pass  
19 over the highest ranked person and appoint either: (i) any  
20 person who has a ranking in the top 5% of the register of  
21 eligibles or (ii) any person who is among the top 5 highest  
22 ranked persons on the list of eligibles if the number of people  
23 who have a ranking in the top 5% of the register of eligibles  
24 is less than 5 people.

25 Any candidate may pass on an appointment once without  
26 losing his or her position on the register of eligibles. Any

1 candidate who passes a second time may be removed from the list  
2 by the appointing authority provided that such action shall not  
3 prejudice a person's opportunities to participate in future  
4 examinations, including an examination held during the time a  
5 candidate is already on the municipality's register of  
6 eligibles.

7 The sole authority to issue certificates of appointment  
8 shall be vested in the board of fire and police commissioners.  
9 All certificates of appointment issued to any officer or member  
10 of an affected department shall be signed by the chairperson  
11 and secretary, respectively, of the board upon appointment of  
12 such officer or member to the affected department by action of  
13 the board. Each person who accepts a certificate of appointment  
14 and successfully completes his or her probationary period shall  
15 be enrolled as a firefighter and as a regular member of the  
16 fire department.

17 For the purposes of this Section, "firefighter" means any  
18 person who has been prior to, on, or after the effective date  
19 of this amendatory Act of the 97th General Assembly appointed  
20 to a fire department or fire protection district or employed by  
21 a State university and sworn or commissioned to perform  
22 firefighter duties or paramedic duties, or both, except that  
23 the following persons are not included: part-time  
24 firefighters; auxiliary, reserve, or voluntary firefighters,  
25 including paid-on-call firefighters; clerks and dispatchers or  
26 other civilian employees of a fire department or fire

1 protection district who are not routinely expected to perform  
2 firefighter duties; and elected officials.

3 (c) Qualification for placement on register of eligibles.

4 The purpose of establishing a register of eligibles is to  
5 identify applicants who possess and demonstrate the mental  
6 aptitude and physical ability to perform the duties required of  
7 members of the fire department in order to provide the highest  
8 quality of service to the public. To this end, all applicants  
9 for original appointment to an affected fire department shall  
10 be subject to examination and testing which shall be public,  
11 competitive, and open to all applicants unless the municipality  
12 shall by ordinance limit applicants to residents of the  
13 municipality, county or counties in which the municipality is  
14 located, State, or nation. Municipalities may establish  
15 educational, emergency medical service licensure, and other  
16 pre-requisites for participation in an examination or for hire  
17 as a firefighter. Any municipality may charge a fee to cover  
18 the costs of the application process.

19 Residency requirements in effect at the time an individual  
20 enters the fire service of a municipality cannot be made more  
21 restrictive for that individual during his or her period of  
22 service for that municipality, or be made a condition of  
23 promotion, except for the rank or position of fire chief and  
24 for no more than 2 positions that rank immediately below that  
25 of the chief rank which are appointed positions pursuant to the  
26 Fire Department Promotion Act.

1           No person who is 35 years of age or older shall be eligible  
2 to take an examination for a position as a firefighter unless  
3 the person has had previous employment status as a firefighter  
4 in the regularly constituted fire department of the  
5 municipality, except as provided in this Section. The age  
6 limitation does not apply to:

7           (1) any person previously employed as a full-time  
8 firefighter in a regularly constituted fire department of  
9 (i) any municipality or fire protection district located in  
10 Illinois, (ii) a fire protection district whose  
11 obligations were assumed by a municipality under Section 21  
12 of the Fire Protection District Act, or (iii) a  
13 municipality whose obligations were taken over by a fire  
14 protection district, or

15           (2) any person who has served a municipality as a  
16 regularly enrolled volunteer, paid-on-call, or part-time  
17 firefighter for the 5 years immediately preceding the time  
18 that the municipality begins to use full-time firefighters  
19 to provide all or part of its fire protection service.

20           No person who is under 21 years of age shall be eligible  
21 for employment as a firefighter.

22           No applicant shall be examined concerning his or her  
23 political or religious opinions or affiliations. The  
24 examinations shall be conducted by the commissioners of the  
25 municipality or their designees and agents.

26           No municipality shall require that any firefighter

1 appointed to the lowest rank serve a probationary employment  
2 period of longer than one year of actual active employment,  
3 which may exclude periods of training, or injury or illness  
4 leaves, including duty related leave, in excess of 30 calendar  
5 days. Notwithstanding anything to the contrary in this Section,  
6 the probationary employment period limitation may be extended  
7 for a firefighter who is required, as a condition of  
8 employment, to be a certified paramedic, during which time the  
9 sole reason that a firefighter may be discharged without a  
10 hearing is for failing to meet the requirements for paramedic  
11 certification.

12 In the event that any applicant who has been found eligible  
13 for appointment and whose name has been placed upon the final  
14 eligibility register provided for in this Section has not been  
15 appointed to a firefighter position within one year after the  
16 date of his or her physical ability examination, the commission  
17 may cause a second examination to be made of that applicant's  
18 physical ability prior to his or her appointment. If, after the  
19 second examination, the physical ability of the applicant shall  
20 be found to be less than the minimum standard fixed by the  
21 rules of the commission, the applicant shall not be appointed.  
22 The applicant's name may be retained upon the register of  
23 candidates eligible for appointment and when next reached for  
24 certification and appointment that applicant may be again  
25 examined as provided in this Section, and if the physical  
26 ability of that applicant is found to be less than the minimum

1 standard fixed by the rules of the commission, the applicant  
2 shall not be appointed, and the name of the applicant shall be  
3 removed from the register.

4 (d) Notice, examination, and testing components. Notice of  
5 the time, place, general scope, merit criteria for any  
6 subjective component, and fee of every examination shall be  
7 given by the commission, by a publication at least 2 weeks  
8 preceding the examination: (i) in one or more newspapers  
9 published in the municipality, or if no newspaper is published  
10 therein, then in one or more newspapers with a general  
11 circulation within the municipality, or (ii) on the  
12 municipality's Internet website. Additional notice of the  
13 examination may be given as the commission shall prescribe.

14 The examination and qualifying standards for employment of  
15 firefighters shall be based on: mental aptitude, physical  
16 ability, preferences, moral character, and health. The mental  
17 aptitude, physical ability, and preference components shall  
18 determine an applicant's qualification for and placement on the  
19 final register of eligibles. The examination may also include a  
20 subjective component based on merit criteria as determined by  
21 the commission. Scores from the examination must be made  
22 available to the public.

23 (e) Mental aptitude. No person who does not possess at  
24 least a high school diploma or an equivalent high school  
25 education shall be placed on a register of eligibles.  
26 Examination of an applicant's mental aptitude shall be based

1 upon a written examination. The examination shall be practical  
2 in character and relate to those matters that fairly test the  
3 capacity of the persons examined to discharge the duties  
4 performed by members of a fire department. Written examinations  
5 shall be administered in a manner that ensures the security and  
6 accuracy of the scores achieved.

7 (f) Physical ability. All candidates shall be required to  
8 undergo an examination of their physical ability to perform the  
9 essential functions included in the duties they may be called  
10 upon to perform as a member of a fire department. For the  
11 purposes of this Section, essential functions of the job are  
12 functions associated with duties that a firefighter may be  
13 called upon to perform in response to emergency calls. The  
14 frequency of the occurrence of those duties as part of the fire  
15 department's regular routine shall not be a controlling factor  
16 in the design of examination criteria or evolutions selected  
17 for testing. These physical examinations shall be open,  
18 competitive, and based on industry standards designed to test  
19 each applicant's physical abilities in the following  
20 dimensions:

21 (1) Muscular strength to perform tasks and evolutions  
22 that may be required in the performance of duties including  
23 grip strength, leg strength, and arm strength. Tests shall  
24 be conducted under anaerobic as well as aerobic conditions  
25 to test both the candidate's speed and endurance in  
26 performing tasks and evolutions. Tasks tested may be based

1 on standards developed, or approved, by the local  
2 appointing authority.

3 (2) The ability to climb ladders, operate from heights,  
4 walk or crawl in the dark along narrow and uneven surfaces,  
5 and operate in proximity to hazardous environments.

6 (3) The ability to carry out critical, time-sensitive,  
7 and complex problem solving during physical exertion in  
8 stressful and hazardous environments. The testing  
9 environment may be hot and dark with tightly enclosed  
10 spaces, flashing lights, sirens, and other distractions.

11 The tests utilized to measure each applicant's  
12 capabilities in each of these dimensions may be tests based on  
13 industry standards currently in use or equivalent tests  
14 approved by the Joint Labor-Management Committee of the Office  
15 of the State Fire Marshal.

16 Physical ability examinations administered under this  
17 Section shall be conducted with a reasonable number of proctors  
18 and monitors, open to the public, and subject to reasonable  
19 regulations of the commission.

20 (g) Scoring of examination components. Appointing  
21 authorities may create a preliminary eligibility register. A  
22 person shall be placed on the list based upon his or her  
23 passage of the written examination or the passage of the  
24 written examination and the physical ability component.  
25 Passage of the written examination means a score that is at or  
26 above the median score for all applicants participating in the

1 written test. The appointing authority may conduct the physical  
2 ability component and any subjective components subsequent to  
3 the posting of the preliminary eligibility register.

4 The examination components for an initial eligibility  
5 register shall be graded on a 100-point scale. A person's  
6 position on the list shall be determined by the following: (i)  
7 the person's score on the written examination, (ii) the person  
8 successfully passing the physical ability component, and (iii)  
9 the person's results on any subjective component as described  
10 in subsection (d).

11 In order to qualify for placement on the final eligibility  
12 register, an applicant's score on the written examination,  
13 before any applicable preference points or subjective points  
14 are applied, shall be at or above the median score. The local  
15 appointing authority may prescribe the score to qualify for  
16 placement on the final eligibility register, but the score  
17 shall not be less than the median score.

18 The commission shall prepare and keep a register of persons  
19 whose total score is not less than the minimum fixed by this  
20 Section and who have passed the physical ability examination.  
21 These persons shall take rank upon the register as candidates  
22 in the order of their relative excellence based on the highest  
23 to the lowest total points scored on the mental aptitude,  
24 subjective component, and preference components of the test  
25 administered in accordance with this Section. No more than 60  
26 days after each examination, an initial eligibility list shall

1 be posted by the commission. The list shall include the final  
2 grades of the candidates without reference to priority of the  
3 time of examination and subject to claim for preference credit.

4 Commissions may conduct additional examinations, including  
5 without limitation a polygraph test, after a final eligibility  
6 register is established and before it expires with the  
7 candidates ranked by total score without regard to date of  
8 examination. No more than 60 days after each examination, an  
9 initial eligibility list shall be posted by the commission  
10 showing the final grades of the candidates without reference to  
11 priority of time of examination and subject to claim for  
12 preference credit.

13 (h) Preferences. The following are preferences:

14 (1) Veteran preference. Persons who were engaged in the  
15 military service of the United States for a period of at  
16 least one year of active duty and who were honorably  
17 discharged therefrom, or who are now or have been members  
18 on inactive or reserve duty in such military or naval  
19 service, shall be preferred for appointment to and  
20 employment with the fire department of an affected  
21 department.

22 (2) Fire cadet preference. Persons who have  
23 successfully completed 2 years of study in fire techniques  
24 or cadet training within a cadet program established under  
25 the rules of the Joint Labor and Management Committee  
26 (JLMC), as defined in Section 50 of the Fire Department

1 Promotion Act, may be preferred for appointment to and  
2 employment with the fire department.

3 (3) Educational preference. Persons who have  
4 successfully obtained an associate's degree in the field of  
5 fire service or emergency medical services, or a bachelor's  
6 degree from an accredited college or university may be  
7 preferred for appointment to and employment with the fire  
8 department.

9 (4) Paramedic preference. Persons who have obtained  
10 certification as an Emergency Medical Technician-Paramedic  
11 (EMT-P) shall be preferred for appointment to and  
12 employment with the fire department of an affected  
13 department providing emergency medical services.

14 (5) Experience preference. All persons employed by a  
15 municipality who have been paid-on-call or part-time  
16 certified Firefighter II, State of Illinois or nationally  
17 licensed EMT-B or EMT-I, or any combination of those  
18 capacities shall be awarded 0.5 point for each year of  
19 successful service in one or more of those capacities, up  
20 to a maximum of 5 points. Certified Firefighter III and  
21 State of Illinois or nationally licensed paramedics shall  
22 be awarded one point per year up to a maximum of 5 points.  
23 Applicants from outside the municipality who were employed  
24 as full-time firefighters or firefighter-paramedics by a  
25 fire protection district or another municipality for at  
26 least 2 years shall be awarded 5 experience preference

1 points. These additional points presuppose a rating scale  
2 totaling 100 points available for the eligibility list. If  
3 more or fewer points are used in the rating scale for the  
4 eligibility list, the points awarded under this subsection  
5 shall be increased or decreased by a factor equal to the  
6 total possible points available for the examination  
7 divided by 100.

8 Upon request by the commission, the governing body of  
9 the municipality or in the case of applicants from outside  
10 the municipality the governing body of any fire protection  
11 district or any other municipality shall certify to the  
12 commission, within 10 days after the request, the number of  
13 years of successful paid-on-call, part-time, or full-time  
14 service of any person. A candidate may not receive the full  
15 amount of preference points under this subsection if the  
16 amount of points awarded would place the candidate before a  
17 veteran on the eligibility list. If more than one candidate  
18 receiving experience preference points is prevented from  
19 receiving all of their points due to not being allowed to  
20 pass a veteran, the candidates shall be placed on the list  
21 below the veteran in rank order based on the totals  
22 received if all points under this subsection were to be  
23 awarded. Any remaining ties on the list shall be determined  
24 by lot.

25 (6) Residency preference. Applicants whose principal  
26 residence is located within the fire department's

1 jurisdiction shall be preferred for appointment to and  
2 employment with the fire department.

3 (7) Additional preferences. Up to 5 additional  
4 preference points may be awarded for unique categories  
5 based on an applicant's experience or background as  
6 identified by the commission.

7 (8) Scoring of preferences. The commission shall give  
8 preference for original appointment to persons designated  
9 in item (1) by adding to the final grade that they receive  
10 5 points for the recognized preference achieved. The  
11 commission shall determine the number of preference points  
12 for each category except (1). The number of preference  
13 points for each category shall range from 0 to 5. In  
14 determining the number of preference points, the  
15 commission shall prescribe that if a candidate earns the  
16 maximum number of preference points in all categories, that  
17 number may not be less than 10 nor more than 30. The  
18 commission shall give preference for original appointment  
19 to persons designated in items (2) through (7) by adding  
20 the requisite number of points to the final grade for each  
21 recognized preference achieved. The numerical result thus  
22 attained shall be applied by the commission in determining  
23 the final eligibility list and appointment from the  
24 eligibility list. The local appointing authority may  
25 prescribe the total number of preference points awarded  
26 under this Section, but the total number of preference

1 points shall not be less than 10 points or more than 30  
2 points.

3 No person entitled to any preference shall be required to  
4 claim the credit before any examination held under the  
5 provisions of this Section, but the preference shall be given  
6 after the posting or publication of the initial eligibility  
7 list or register at the request of a person entitled to a  
8 credit before any certification or appointments are made from  
9 the eligibility register, upon the furnishing of verifiable  
10 evidence and proof of qualifying preference credit. Candidates  
11 who are eligible for preference credit shall make a claim in  
12 writing within 10 days after the posting of the initial  
13 eligibility list, or the claim shall be deemed waived. Final  
14 eligibility registers shall be established after the awarding  
15 of verified preference points. All employment shall be subject  
16 to the commission's initial hire background review including,  
17 but not limited to, criminal history, employment history, moral  
18 character, oral examination, and medical and psychological  
19 examinations, all on a pass-fail basis. The medical and  
20 psychological examinations must be conducted last, and may only  
21 be performed after a conditional offer of employment has been  
22 extended.

23 Any person placed on an eligibility list who exceeds the  
24 age requirement before being appointed to a fire department  
25 shall remain eligible for appointment until the list is  
26 abolished, or his or her name has been on the list for a period

1 of 2 years. No person who has attained the age of 35 years  
2 shall be inducted into a fire department, except as otherwise  
3 provided in this Section.

4 The commission shall strike off the names of candidates for  
5 original appointment after the names have been on the list for  
6 more than 2 years.

7 (i) Moral character. No person shall be appointed to a fire  
8 department unless he or she is a person of good character; not  
9 a habitual drunkard, a gambler, or a person who has been  
10 convicted of a felony or a crime involving moral turpitude.  
11 However, no person shall be disqualified from appointment to  
12 the fire department because of the person's record of  
13 misdemeanor convictions except those under Sections 11-6,  
14 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
15 12-15, 14-4, 16-1, 21.1-3, 24-0.1, 24-3.1, 24-5, 25-1, 28-3,  
16 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and  
17 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of  
18 1961 or the Criminal Code of 2012, or arrest for any cause  
19 without conviction thereon. Any such person who is in the  
20 department may be removed on charges brought for violating this  
21 subsection and after a trial as hereinafter provided.

22 A classifiable set of the fingerprints of every person who  
23 is offered employment as a certificated member of an affected  
24 fire department whether with or without compensation, shall be  
25 furnished to the Illinois Department of State Police and to the  
26 Federal Bureau of Investigation by the commission.

1           Whenever a commission is authorized or required by law to  
2 consider some aspect of criminal history record information for  
3 the purpose of carrying out its statutory powers and  
4 responsibilities, then, upon request and payment of fees in  
5 conformance with the requirements of Section 2605-400 of the  
6 State Police Law of the Civil Administrative Code of Illinois,  
7 the Department of State Police is authorized to furnish,  
8 pursuant to positive identification, the information contained  
9 in State files as is necessary to fulfill the request.

10           (j) Temporary appointments. In order to prevent a stoppage  
11 of public business, to meet extraordinary exigencies, or to  
12 prevent material impairment of the fire department, the  
13 commission may make temporary appointments, to remain in force  
14 only until regular appointments are made under the provisions  
15 of this Division, but never to exceed 60 days. No temporary  
16 appointment of any one person shall be made more than twice in  
17 any calendar year.

18           (k) A person who knowingly divulges or receives test  
19 questions or answers before a written examination, or otherwise  
20 knowingly violates or subverts any requirement of this Section,  
21 commits a violation of this Section and may be subject to  
22 charges for official misconduct.

23           A person who is the knowing recipient of test information  
24 in advance of the examination shall be disqualified from the  
25 examination or discharged from the position to which he or she  
26 was appointed, as applicable, and otherwise subjected to

1 disciplinary actions.

2 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;  
3 97-1150, eff. 1-25-13.)

4 Section 55. The Fire Protection District Act is amended by  
5 changing Sections 16.06 and 16.06b as follows:

6 (70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)

7 Sec. 16.06. Eligibility for positions in fire department;  
8 disqualifications.

9 (a) All applicants for a position in the fire department of  
10 the fire protection district shall be under 35 years of age and  
11 shall be subjected to examination, which shall be public,  
12 competitive, and free to all applicants, subject to reasonable  
13 limitations as to health, habits, and moral character; provided  
14 that the foregoing age limitation shall not apply in the case  
15 of any person having previous employment status as a fireman in  
16 a regularly constituted fire department of any fire protection  
17 district, and further provided that each fireman or fire chief  
18 who is a member in good standing in a regularly constituted  
19 fire department of any municipality which shall be or shall  
20 have subsequently been included within the boundaries of any  
21 fire protection district now or hereafter organized shall be  
22 given a preference for original appointment in the same class,  
23 grade or employment over all other applicants. The examinations  
24 shall be practical in their character and shall relate to those

1 matters which will fairly test the persons examined as to their  
2 relative capacity to discharge the duties of the positions to  
3 which they seek appointment. The examinations shall include  
4 tests of physical qualifications and health. No applicant,  
5 however, shall be examined concerning his political or  
6 religious opinions or affiliations. The examinations shall be  
7 conducted by the board of fire commissioners.

8 In any fire protection district that employs full-time  
9 firefighters and is subject to a collective bargaining  
10 agreement, a person who has not qualified for regular  
11 appointment under the provisions of this Section shall not be  
12 used as a temporary or permanent substitute for certificated  
13 members of a fire district's fire department or for regular  
14 appointment as a certificated member of a fire district's fire  
15 department unless mutually agreed to by the employee's  
16 certified bargaining agent. Such agreement shall be considered  
17 a permissive subject of bargaining. Fire protection districts  
18 covered by the changes made by this amendatory Act of the 95th  
19 General Assembly that are using non-certificated employees as  
20 substitutes immediately prior to the effective date of this  
21 amendatory Act of the 95th General Assembly may, by mutual  
22 agreement with the certified bargaining agent, continue the  
23 existing practice or a modified practice and that agreement  
24 shall be considered a permissive subject of bargaining.

25 (b) No person shall be appointed to the fire department  
26 unless he or she is a person of good character and not a person

1 who has been convicted of a felony in Illinois or convicted in  
2 another jurisdiction for conduct that would be a felony under  
3 Illinois law, or convicted of a crime involving moral  
4 turpitude. No person, however, shall be disqualified from  
5 appointment to the fire department because of his or her record  
6 of misdemeanor convictions, except those under Sections  
7 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,  
8 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-0.1,  
9 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2,  
10 32-3, 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of  
11 Section 11-14.3, and subsections (1), (6), and (8) of Section  
12 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012.  
13 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

14 (70 ILCS 705/16.06b)

15 Sec. 16.06b. Original appointments; full-time fire  
16 department.

17 (a) Applicability. Unless a commission elects to follow the  
18 provisions of Section 16.06c, this Section shall apply to all  
19 original appointments to an affected full-time fire  
20 department. Existing registers of eligibles shall continue to  
21 be valid until their expiration dates, or up to a maximum of 2  
22 years after the effective date of this amendatory Act of the  
23 97th General Assembly.

24 Notwithstanding any statute, ordinance, rule, or other law  
25 to the contrary, all original appointments to an affected

1 department to which this Section applies shall be administered  
2 in a no less stringent manner than the manner provided for in  
3 this Section. Provisions of the Illinois Municipal Code, Fire  
4 Protection District Act, fire district ordinances, and rules  
5 adopted pursuant to such authority and other laws relating to  
6 initial hiring of firefighters in affected departments shall  
7 continue to apply to the extent they are compatible with this  
8 Section, but in the event of a conflict between this Section  
9 and any other law, this Section shall control.

10 A fire protection district that is operating under a court  
11 order or consent decree regarding original appointments to a  
12 full-time fire department before the effective date of this  
13 amendatory Act of the 97th General Assembly is exempt from the  
14 requirements of this Section for the duration of the court  
15 order or consent decree.

16 (b) Original appointments. All original appointments made  
17 to an affected fire department shall be made from a register of  
18 eligibles established in accordance with the processes  
19 required by this Section. Only persons who meet or exceed the  
20 performance standards required by the Section shall be placed  
21 on a register of eligibles for original appointment to an  
22 affected fire department.

23 Whenever an appointing authority authorizes action to hire  
24 a person to perform the duties of a firefighter or to hire a  
25 firefighter-paramedic to fill a position that is a new position  
26 or vacancy due to resignation, discharge, promotion, death, the

1 granting of a disability or retirement pension, or any other  
2 cause, the appointing authority shall appoint to that position  
3 the person with the highest ranking on the final eligibility  
4 list. If the appointing authority has reason to conclude that  
5 the highest ranked person fails to meet the minimum standards  
6 for the position or if the appointing authority believes an  
7 alternate candidate would better serve the needs of the  
8 department, then the appointing authority has the right to pass  
9 over the highest ranked person and appoint either: (i) any  
10 person who has a ranking in the top 5% of the register of  
11 eligibles or (ii) any person who is among the top 5 highest  
12 ranked persons on the list of eligibles if the number of people  
13 who have a ranking in the top 5% of the register of eligibles  
14 is less than 5 people.

15 Any candidate may pass on an appointment once without  
16 losing his or her position on the register of eligibles. Any  
17 candidate who passes a second time may be removed from the list  
18 by the appointing authority provided that such action shall not  
19 prejudice a person's opportunities to participate in future  
20 examinations, including an examination held during the time a  
21 candidate is already on the fire district's register of  
22 eligibles.

23 The sole authority to issue certificates of appointment  
24 shall be vested in the board of fire commissioners, or board of  
25 trustees serving in the capacity of a board of fire  
26 commissioners. All certificates of appointment issued to any

1 officer or member of an affected department shall be signed by  
2 the chairperson and secretary, respectively, of the commission  
3 upon appointment of such officer or member to the affected  
4 department by action of the commission. Each person who accepts  
5 a certificate of appointment and successfully completes his or  
6 her probationary period shall be enrolled as a firefighter and  
7 as a regular member of the fire department.

8 For the purposes of this Section, "firefighter" means any  
9 person who has been prior to, on, or after the effective date  
10 of this amendatory Act of the 97th General Assembly appointed  
11 to a fire department or fire protection district or employed by  
12 a State university and sworn or commissioned to perform  
13 firefighter duties or paramedic duties, or both, except that  
14 the following persons are not included: part-time  
15 firefighters; auxiliary, reserve, or voluntary firefighters,  
16 including paid-on-call firefighters; clerks and dispatchers or  
17 other civilian employees of a fire department or fire  
18 protection district who are not routinely expected to perform  
19 firefighter duties; and elected officials.

20 (c) Qualification for placement on register of eligibles.  
21 The purpose of establishing a register of eligibles is to  
22 identify applicants who possess and demonstrate the mental  
23 aptitude and physical ability to perform the duties required of  
24 members of the fire department in order to provide the highest  
25 quality of service to the public. To this end, all applicants  
26 for original appointment to an affected fire department shall

1 be subject to examination and testing which shall be public,  
2 competitive, and open to all applicants unless the district  
3 shall by ordinance limit applicants to residents of the  
4 district, county or counties in which the district is located,  
5 State, or nation. Districts may establish educational,  
6 emergency medical service licensure, and other pre-requisites  
7 for participation in an examination or for hire as a  
8 firefighter. Any fire protection district may charge a fee to  
9 cover the costs of the application process.

10 Residency requirements in effect at the time an individual  
11 enters the fire service of a district cannot be made more  
12 restrictive for that individual during his or her period of  
13 service for that district, or be made a condition of promotion,  
14 except for the rank or position of fire chief and for no more  
15 than 2 positions that rank immediately below that of the chief  
16 rank which are appointed positions pursuant to the Fire  
17 Department Promotion Act.

18 No person who is 35 years of age or older shall be eligible  
19 to take an examination for a position as a firefighter unless  
20 the person has had previous employment status as a firefighter  
21 in the regularly constituted fire department of the district,  
22 except as provided in this Section. The age limitation does not  
23 apply to:

- 24 (1) any person previously employed as a full-time  
25 firefighter in a regularly constituted fire department of  
26 (i) any municipality or fire protection district located in

1 Illinois, (ii) a fire protection district whose  
2 obligations were assumed by a municipality under Section 21  
3 of the Fire Protection District Act, or (iii) a  
4 municipality whose obligations were taken over by a fire  
5 protection district, or

6 (2) any person who has served a fire district as a  
7 regularly enrolled volunteer, paid-on-call, or part-time  
8 firefighter for the 5 years immediately preceding the time  
9 that the district begins to use full-time firefighters to  
10 provide all or part of its fire protection service.

11 No person who is under 21 years of age shall be eligible  
12 for employment as a firefighter.

13 No applicant shall be examined concerning his or her  
14 political or religious opinions or affiliations. The  
15 examinations shall be conducted by the commissioners of the  
16 district or their designees and agents.

17 No district shall require that any firefighter appointed to  
18 the lowest rank serve a probationary employment period of  
19 longer than one year of actual active employment, which may  
20 exclude periods of training, or injury or illness leaves,  
21 including duty related leave, in excess of 30 calendar days.  
22 Notwithstanding anything to the contrary in this Section, the  
23 probationary employment period limitation may be extended for a  
24 firefighter who is required, as a condition of employment, to  
25 be a certified paramedic, during which time the sole reason  
26 that a firefighter may be discharged without a hearing is for

1 failing to meet the requirements for paramedic certification.

2 In the event that any applicant who has been found eligible  
3 for appointment and whose name has been placed upon the final  
4 eligibility register provided for in this Section has not been  
5 appointed to a firefighter position within one year after the  
6 date of his or her physical ability examination, the commission  
7 may cause a second examination to be made of that applicant's  
8 physical ability prior to his or her appointment. If, after the  
9 second examination, the physical ability of the applicant shall  
10 be found to be less than the minimum standard fixed by the  
11 rules of the commission, the applicant shall not be appointed.  
12 The applicant's name may be retained upon the register of  
13 candidates eligible for appointment and when next reached for  
14 certification and appointment that applicant may be again  
15 examined as provided in this Section, and if the physical  
16 ability of that applicant is found to be less than the minimum  
17 standard fixed by the rules of the commission, the applicant  
18 shall not be appointed, and the name of the applicant shall be  
19 removed from the register.

20 (d) Notice, examination, and testing components. Notice of  
21 the time, place, general scope, merit criteria for any  
22 subjective component, and fee of every examination shall be  
23 given by the commission, by a publication at least 2 weeks  
24 preceding the examination: (i) in one or more newspapers  
25 published in the district, or if no newspaper is published  
26 therein, then in one or more newspapers with a general

1 circulation within the district, or (ii) on the fire protection  
2 district's Internet website. Additional notice of the  
3 examination may be given as the commission shall prescribe.

4 The examination and qualifying standards for employment of  
5 firefighters shall be based on: mental aptitude, physical  
6 ability, preferences, moral character, and health. The mental  
7 aptitude, physical ability, and preference components shall  
8 determine an applicant's qualification for and placement on the  
9 final register of eligibles. The examination may also include a  
10 subjective component based on merit criteria as determined by  
11 the commission. Scores from the examination must be made  
12 available to the public.

13 (e) Mental aptitude. No person who does not possess at  
14 least a high school diploma or an equivalent high school  
15 education shall be placed on a register of eligibles.  
16 Examination of an applicant's mental aptitude shall be based  
17 upon a written examination. The examination shall be practical  
18 in character and relate to those matters that fairly test the  
19 capacity of the persons examined to discharge the duties  
20 performed by members of a fire department. Written examinations  
21 shall be administered in a manner that ensures the security and  
22 accuracy of the scores achieved.

23 (f) Physical ability. All candidates shall be required to  
24 undergo an examination of their physical ability to perform the  
25 essential functions included in the duties they may be called  
26 upon to perform as a member of a fire department. For the

1 purposes of this Section, essential functions of the job are  
2 functions associated with duties that a firefighter may be  
3 called upon to perform in response to emergency calls. The  
4 frequency of the occurrence of those duties as part of the fire  
5 department's regular routine shall not be a controlling factor  
6 in the design of examination criteria or evolutions selected  
7 for testing. These physical examinations shall be open,  
8 competitive, and based on industry standards designed to test  
9 each applicant's physical abilities in the following  
10 dimensions:

11 (1) Muscular strength to perform tasks and evolutions  
12 that may be required in the performance of duties including  
13 grip strength, leg strength, and arm strength. Tests shall  
14 be conducted under anaerobic as well as aerobic conditions  
15 to test both the candidate's speed and endurance in  
16 performing tasks and evolutions. Tasks tested may be based  
17 on standards developed, or approved, by the local  
18 appointing authority.

19 (2) The ability to climb ladders, operate from heights,  
20 walk or crawl in the dark along narrow and uneven surfaces,  
21 and operate in proximity to hazardous environments.

22 (3) The ability to carry out critical, time-sensitive,  
23 and complex problem solving during physical exertion in  
24 stressful and hazardous environments. The testing  
25 environment may be hot and dark with tightly enclosed  
26 spaces, flashing lights, sirens, and other distractions.

1           The tests utilized to measure each applicant's  
2 capabilities in each of these dimensions may be tests based on  
3 industry standards currently in use or equivalent tests  
4 approved by the Joint Labor-Management Committee of the Office  
5 of the State Fire Marshal.

6           Physical ability examinations administered under this  
7 Section shall be conducted with a reasonable number of proctors  
8 and monitors, open to the public, and subject to reasonable  
9 regulations of the commission.

10          (g) Scoring of examination components. Appointing  
11 authorities may create a preliminary eligibility register. A  
12 person shall be placed on the list based upon his or her  
13 passage of the written examination or the passage of the  
14 written examination and the physical ability component.  
15 Passage of the written examination means a score that is at or  
16 above the median score for all applicants participating in the  
17 written test. The appointing authority may conduct the physical  
18 ability component and any subjective components subsequent to  
19 the posting of the preliminary eligibility register.

20          The examination components for an initial eligibility  
21 register shall be graded on a 100-point scale. A person's  
22 position on the list shall be determined by the following: (i)  
23 the person's score on the written examination, (ii) the person  
24 successfully passing the physical ability component, and (iii)  
25 the person's results on any subjective component as described  
26 in subsection (d).

1           In order to qualify for placement on the final eligibility  
2 register, an applicant's score on the written examination,  
3 before any applicable preference points or subjective points  
4 are applied, shall be at or above the median score. The local  
5 appointing authority may prescribe the score to qualify for  
6 placement on the final eligibility register, but the score  
7 shall not be less than the median score.

8           The commission shall prepare and keep a register of persons  
9 whose total score is not less than the minimum fixed by this  
10 Section and who have passed the physical ability examination.  
11 These persons shall take rank upon the register as candidates  
12 in the order of their relative excellence based on the highest  
13 to the lowest total points scored on the mental aptitude,  
14 subjective component, and preference components of the test  
15 administered in accordance with this Section. No more than 60  
16 days after each examination, an initial eligibility list shall  
17 be posted by the commission. The list shall include the final  
18 grades of the candidates without reference to priority of the  
19 time of examination and subject to claim for preference credit.

20           Commissions may conduct additional examinations, including  
21 without limitation a polygraph test, after a final eligibility  
22 register is established and before it expires with the  
23 candidates ranked by total score without regard to date of  
24 examination. No more than 60 days after each examination, an  
25 initial eligibility list shall be posted by the commission  
26 showing the final grades of the candidates without reference to

1 priority of time of examination and subject to claim for  
2 preference credit.

3 (h) Preferences. The following are preferences:

4 (1) Veteran preference. Persons who were engaged in the  
5 military service of the United States for a period of at  
6 least one year of active duty and who were honorably  
7 discharged therefrom, or who are now or have been members  
8 on inactive or reserve duty in such military or naval  
9 service, shall be preferred for appointment to and  
10 employment with the fire department of an affected  
11 department.

12 (2) Fire cadet preference. Persons who have  
13 successfully completed 2 years of study in fire techniques  
14 or cadet training within a cadet program established under  
15 the rules of the Joint Labor and Management Committee  
16 (JLMC), as defined in Section 50 of the Fire Department  
17 Promotion Act, may be preferred for appointment to and  
18 employment with the fire department.

19 (3) Educational preference. Persons who have  
20 successfully obtained an associate's degree in the field of  
21 fire service or emergency medical services, or a bachelor's  
22 degree from an accredited college or university may be  
23 preferred for appointment to and employment with the fire  
24 department.

25 (4) Paramedic preference. Persons who have obtained  
26 certification as an Emergency Medical Technician-Paramedic

1 (EMT-P) may be preferred for appointment to and employment  
2 with the fire department of an affected department  
3 providing emergency medical services.

4 (5) Experience preference. All persons employed by a  
5 district who have been paid-on-call or part-time certified  
6 Firefighter II, certified Firefighter III, State of  
7 Illinois or nationally licensed EMT-B or EMT-I, licensed  
8 paramedic, or any combination of those capacities may be  
9 awarded up to a maximum of 5 points. However, the applicant  
10 may not be awarded more than 0.5 points for each complete  
11 year of paid-on-call or part-time service. Applicants from  
12 outside the district who were employed as full-time  
13 firefighters or firefighter-paramedics by a fire  
14 protection district or municipality for at least 2 years  
15 may be awarded up to 5 experience preference points.  
16 However, the applicant may not be awarded more than one  
17 point for each complete year of full-time service.

18 Upon request by the commission, the governing body of  
19 the district or in the case of applicants from outside the  
20 district the governing body of any other fire protection  
21 district or any municipality shall certify to the  
22 commission, within 10 days after the request, the number of  
23 years of successful paid-on-call, part-time, or full-time  
24 service of any person. A candidate may not receive the full  
25 amount of preference points under this subsection if the  
26 amount of points awarded would place the candidate before a

1           veteran on the eligibility list. If more than one candidate  
2           receiving experience preference points is prevented from  
3           receiving all of their points due to not being allowed to  
4           pass a veteran, the candidates shall be placed on the list  
5           below the veteran in rank order based on the totals  
6           received if all points under this subsection were to be  
7           awarded. Any remaining ties on the list shall be determined  
8           by lot.

9           (6) Residency preference. Applicants whose principal  
10          residence is located within the fire department's  
11          jurisdiction may be preferred for appointment to and  
12          employment with the fire department.

13          (7) Additional preferences. Up to 5 additional  
14          preference points may be awarded for unique categories  
15          based on an applicant's experience or background as  
16          identified by the commission.

17          (8) Scoring of preferences. The commission shall give  
18          preference for original appointment to persons designated  
19          in item (1) by adding to the final grade that they receive  
20          5 points for the recognized preference achieved. The  
21          commission shall determine the number of preference points  
22          for each category except (1). The number of preference  
23          points for each category shall range from 0 to 5. In  
24          determining the number of preference points, the  
25          commission shall prescribe that if a candidate earns the  
26          maximum number of preference points in all categories, that

1 number may not be less than 10 nor more than 30. The  
2 commission shall give preference for original appointment  
3 to persons designated in items (2) through (7) by adding  
4 the requisite number of points to the final grade for each  
5 recognized preference achieved. The numerical result thus  
6 attained shall be applied by the commission in determining  
7 the final eligibility list and appointment from the  
8 eligibility list. The local appointing authority may  
9 prescribe the total number of preference points awarded  
10 under this Section, but the total number of preference  
11 points shall not be less than 10 points or more than 30  
12 points.

13 No person entitled to any preference shall be required to  
14 claim the credit before any examination held under the  
15 provisions of this Section, but the preference shall be given  
16 after the posting or publication of the initial eligibility  
17 list or register at the request of a person entitled to a  
18 credit before any certification or appointments are made from  
19 the eligibility register, upon the furnishing of verifiable  
20 evidence and proof of qualifying preference credit. Candidates  
21 who are eligible for preference credit shall make a claim in  
22 writing within 10 days after the posting of the initial  
23 eligibility list, or the claim shall be deemed waived. Final  
24 eligibility registers shall be established after the awarding  
25 of verified preference points. All employment shall be subject  
26 to the commission's initial hire background review including,

1 but not limited to, criminal history, employment history, moral  
2 character, oral examination, and medical and psychological  
3 examinations, all on a pass-fail basis. The medical and  
4 psychological examinations must be conducted last, and may only  
5 be performed after a conditional offer of employment has been  
6 extended.

7 Any person placed on an eligibility list who exceeds the  
8 age requirement before being appointed to a fire department  
9 shall remain eligible for appointment until the list is  
10 abolished, or his or her name has been on the list for a period  
11 of 2 years. No person who has attained the age of 35 years  
12 shall be inducted into a fire department, except as otherwise  
13 provided in this Section.

14 The commission shall strike off the names of candidates for  
15 original appointment after the names have been on the list for  
16 more than 2 years.

17 (i) Moral character. No person shall be appointed to a fire  
18 department unless he or she is a person of good character; not  
19 a habitual drunkard, a gambler, or a person who has been  
20 convicted of a felony or a crime involving moral turpitude.  
21 However, no person shall be disqualified from appointment to  
22 the fire department because of the person's record of  
23 misdemeanor convictions except those under Sections 11-6,  
24 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
25 12-15, 14-4, 16-1, 21.1-3, 24-0.1, 24-3.1, 24-5, 25-1, 28-3,  
26 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and

1 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of  
2 1961 or the Criminal Code of 2012, or arrest for any cause  
3 without conviction thereon. Any such person who is in the  
4 department may be removed on charges brought for violating this  
5 subsection and after a trial as hereinafter provided.

6 A classifiable set of the fingerprints of every person who  
7 is offered employment as a certificated member of an affected  
8 fire department whether with or without compensation, shall be  
9 furnished to the Illinois Department of State Police and to the  
10 Federal Bureau of Investigation by the commission.

11 Whenever a commission is authorized or required by law to  
12 consider some aspect of criminal history record information for  
13 the purpose of carrying out its statutory powers and  
14 responsibilities, then, upon request and payment of fees in  
15 conformance with the requirements of Section 2605-400 of the  
16 State Police Law of the Civil Administrative Code of Illinois,  
17 the Department of State Police is authorized to furnish,  
18 pursuant to positive identification, the information contained  
19 in State files as is necessary to fulfill the request.

20 (j) Temporary appointments. In order to prevent a stoppage  
21 of public business, to meet extraordinary exigencies, or to  
22 prevent material impairment of the fire department, the  
23 commission may make temporary appointments, to remain in force  
24 only until regular appointments are made under the provisions  
25 of this Section, but never to exceed 60 days. No temporary  
26 appointment of any one person shall be made more than twice in

1 any calendar year.

2 (k) A person who knowingly divulges or receives test  
3 questions or answers before a written examination, or otherwise  
4 knowingly violates or subverts any requirement of this Section,  
5 commits a violation of this Section and may be subject to  
6 charges for official misconduct.

7 A person who is the knowing recipient of test information  
8 in advance of the examination shall be disqualified from the  
9 examination or discharged from the position to which he or she  
10 was appointed, as applicable, and otherwise subjected to  
11 disciplinary actions.

12 (Source: P.A. 97-251, eff. 8-4-11; 97-898, eff. 8-6-12;  
13 97-1150, eff. 1-25-13.)

14 Section 60. The School Code is amended by changing Sections  
15 10-22.6, 10-27.1A and 34-8.05 as follows:

16 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

17 Sec. 10-22.6. Suspension or expulsion of pupils; school  
18 searches.

19 (a) To expel pupils guilty of gross disobedience or  
20 misconduct, including gross disobedience or misconduct  
21 perpetuated by electronic means, and no action shall lie  
22 against them for such expulsion. Expulsion shall take place  
23 only after the parents have been requested to appear at a  
24 meeting of the board, or with a hearing officer appointed by

1 it, to discuss their child's behavior. Such request shall be  
2 made by registered or certified mail and shall state the time,  
3 place and purpose of the meeting. The board, or a hearing  
4 officer appointed by it, at such meeting shall state the  
5 reasons for dismissal and the date on which the expulsion is to  
6 become effective. If a hearing officer is appointed by the  
7 board he shall report to the board a written summary of the  
8 evidence heard at the meeting and the board may take such  
9 action thereon as it finds appropriate. An expelled pupil may  
10 be immediately transferred to an alternative program in the  
11 manner provided in Article 13A or 13B of this Code. A pupil  
12 must not be denied transfer because of the expulsion, except in  
13 cases in which such transfer is deemed to cause a threat to the  
14 safety of students or staff in the alternative program.

15 (b) To suspend or by policy to authorize the superintendent  
16 of the district or the principal, assistant principal, or dean  
17 of students of any school to suspend pupils guilty of gross  
18 disobedience or misconduct, or to suspend pupils guilty of  
19 gross disobedience or misconduct on the school bus from riding  
20 the school bus, and no action shall lie against them for such  
21 suspension. The board may by policy authorize the  
22 superintendent of the district or the principal, assistant  
23 principal, or dean of students of any school to suspend pupils  
24 guilty of such acts for a period not to exceed 10 school days.  
25 If a pupil is suspended due to gross disobedience or misconduct  
26 on a school bus, the board may suspend the pupil in excess of

1 10 school days for safety reasons. Any suspension shall be  
2 reported immediately to the parents or guardian of such pupil  
3 along with a full statement of the reasons for such suspension  
4 and a notice of their right to a review. The school board must  
5 be given a summary of the notice, including the reason for the  
6 suspension and the suspension length. Upon request of the  
7 parents or guardian the school board or a hearing officer  
8 appointed by it shall review such action of the superintendent  
9 or principal, assistant principal, or dean of students. At such  
10 review the parents or guardian of the pupil may appear and  
11 discuss the suspension with the board or its hearing officer.  
12 If a hearing officer is appointed by the board he shall report  
13 to the board a written summary of the evidence heard at the  
14 meeting. After its hearing or upon receipt of the written  
15 report of its hearing officer, the board may take such action  
16 as it finds appropriate. A pupil who is suspended in excess of  
17 20 school days may be immediately transferred to an alternative  
18 program in the manner provided in Article 13A or 13B of this  
19 Code. A pupil must not be denied transfer because of the  
20 suspension, except in cases in which such transfer is deemed to  
21 cause a threat to the safety of students or staff in the  
22 alternative program.

23 (c) The Department of Human Services shall be invited to  
24 send a representative to consult with the board at such meeting  
25 whenever there is evidence that mental illness may be the cause  
26 for expulsion or suspension.

1 (d) The board may expel a student for a definite period of  
2 time not to exceed 2 calendar years, as determined on a case by  
3 case basis. A student who is determined to have brought one of  
4 the following objects to school, any school-sponsored activity  
5 or event, or any activity or event that bears a reasonable  
6 relationship to school shall be expelled for a period of not  
7 less than one year:

8 (1) A firearm. For the purposes of this Section,  
9 "firearm" means any gun, rifle, shotgun, weapon as defined  
10 by Section 921 of Title 18 of the United States Code,  
11 ~~firearm as defined in Section 1.1 of the Firearm Owners~~  
12 ~~Identification Card Act,~~ or firearm as defined in Section  
13 24-1 of the Criminal Code of 2012. The expulsion period  
14 under this subdivision (1) may be modified by the  
15 superintendent, and the superintendent's determination may  
16 be modified by the board on a case-by-case basis.

17 (2) A knife, brass knuckles or other knuckle weapon  
18 regardless of its composition, a billy club, or any other  
19 object if used or attempted to be used to cause bodily  
20 harm, including "look alike" of any firearm as defined in  
21 subdivision (1) of this subsection (d). The expulsion  
22 requirement under this subdivision (2) may be modified by  
23 the superintendent, and the superintendent's determination  
24 may be modified by the board on a case-by-case basis.

25 Expulsion or suspension shall be construed in a manner  
26 consistent with the Federal Individuals with Disabilities

1 Education Act. A student who is subject to suspension or  
2 expulsion as provided in this Section may be eligible for a  
3 transfer to an alternative school program in accordance with  
4 Article 13A of the School Code. The provisions of this  
5 subsection (d) apply in all school districts, including special  
6 charter districts and districts organized under Article 34.

7 (d-5) The board may suspend or by regulation authorize the  
8 superintendent of the district or the principal, assistant  
9 principal, or dean of students of any school to suspend a  
10 student for a period not to exceed 10 school days or may expel  
11 a student for a definite period of time not to exceed 2  
12 calendar years, as determined on a case by case basis, if (i)  
13 that student has been determined to have made an explicit  
14 threat on an Internet website against a school employee, a  
15 student, or any school-related personnel, (ii) the Internet  
16 website through which the threat was made is a site that was  
17 accessible within the school at the time the threat was made or  
18 was available to third parties who worked or studied within the  
19 school grounds at the time the threat was made, and (iii) the  
20 threat could be reasonably interpreted as threatening to the  
21 safety and security of the threatened individual because of his  
22 or her duties or employment status or status as a student  
23 inside the school. The provisions of this subsection (d-5)  
24 apply in all school districts, including special charter  
25 districts and districts organized under Article 34 of this  
26 Code.

1           (e) To maintain order and security in the schools, school  
2 authorities may inspect and search places and areas such as  
3 lockers, desks, parking lots, and other school property and  
4 equipment owned or controlled by the school, as well as  
5 personal effects left in those places and areas by students,  
6 without notice to or the consent of the student, and without a  
7 search warrant. As a matter of public policy, the General  
8 Assembly finds that students have no reasonable expectation of  
9 privacy in these places and areas or in their personal effects  
10 left in these places and areas. School authorities may request  
11 the assistance of law enforcement officials for the purpose of  
12 conducting inspections and searches of lockers, desks, parking  
13 lots, and other school property and equipment owned or  
14 controlled by the school for illegal drugs, weapons, or other  
15 illegal or dangerous substances or materials, including  
16 searches conducted through the use of specially trained dogs.  
17 If a search conducted in accordance with this Section produces  
18 evidence that the student has violated or is violating either  
19 the law, local ordinance, or the school's policies or rules,  
20 such evidence may be seized by school authorities, and  
21 disciplinary action may be taken. School authorities may also  
22 turn over such evidence to law enforcement authorities. The  
23 provisions of this subsection (e) apply in all school  
24 districts, including special charter districts and districts  
25 organized under Article 34.

26           (f) Suspension or expulsion may include suspension or

1 expulsion from school and all school activities and a  
2 prohibition from being present on school grounds.

3 (g) A school district may adopt a policy providing that if  
4 a student is suspended or expelled for any reason from any  
5 public or private school in this or any other state, the  
6 student must complete the entire term of the suspension or  
7 expulsion in an alternative school program under Article 13A of  
8 this Code or an alternative learning opportunities program  
9 under Article 13B of this Code before being admitted into the  
10 school district if there is no threat to the safety of students  
11 or staff in the alternative program. This subsection (g)  
12 applies to all school districts, including special charter  
13 districts and districts organized under Article 34 of this  
14 Code.

15 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;  
16 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;  
17 97-1150, eff. 1-25-13.)

18 (105 ILCS 5/10-27.1A)

19 Sec. 10-27.1A. Firearms in schools.

20 (a) All school officials, including teachers, guidance  
21 counselors, and support staff, shall immediately notify the  
22 office of the principal in the event that they observe any  
23 person in possession of a firearm on school grounds; provided  
24 that taking such immediate action to notify the office of the  
25 principal would not immediately endanger the health, safety, or

1 welfare of students who are under the direct supervision of the  
2 school official or the school official. If the health, safety,  
3 or welfare of students under the direct supervision of the  
4 school official or of the school official is immediately  
5 endangered, the school official shall notify the office of the  
6 principal as soon as the students under his or her supervision  
7 and he or she are no longer under immediate danger. A report is  
8 not required by this Section when the school official knows  
9 that the person in possession of the firearm is a law  
10 enforcement official engaged in the conduct of his or her  
11 official duties. Any school official acting in good faith who  
12 makes such a report under this Section shall have immunity from  
13 any civil or criminal liability that might otherwise be  
14 incurred as a result of making the report. The identity of the  
15 school official making such report shall not be disclosed  
16 except as expressly and specifically authorized by law.  
17 Knowingly and willfully failing to comply with this Section is  
18 a petty offense. A second or subsequent offense is a Class C  
19 misdemeanor.

20 (b) Upon receiving a report from any school official  
21 pursuant to this Section, or from any other person, the  
22 principal or his or her designee shall immediately notify a  
23 local law enforcement agency. If the person found to be in  
24 possession of a firearm on school grounds is a student, the  
25 principal or his or her designee shall also immediately notify  
26 that student's parent or guardian. Any principal or his or her

1 designee acting in good faith who makes such reports under this  
2 Section shall have immunity from any civil or criminal  
3 liability that might otherwise be incurred or imposed as a  
4 result of making the reports. Knowingly and willfully failing  
5 to comply with this Section is a petty offense. A second or  
6 subsequent offense is a Class C misdemeanor. If the person  
7 found to be in possession of the firearm on school grounds is a  
8 minor, the law enforcement agency shall detain that minor until  
9 such time as the agency makes a determination pursuant to  
10 clause (a) of subsection (1) of Section 5-401 of the Juvenile  
11 Court Act of 1987, as to whether the agency reasonably believes  
12 that the minor is delinquent. If the law enforcement agency  
13 determines that probable cause exists to believe that the minor  
14 committed a violation of Section 24-0.1 or item (4) of  
15 subsection (a) of Section 24-1 of the Criminal Code of 2012  
16 while on school grounds, the agency shall detain the minor for  
17 processing pursuant to Section 5-407 of the Juvenile Court Act  
18 of 1987.

19 (c) On or after January 1, 1997, upon receipt of any  
20 written, electronic, or verbal report from any school personnel  
21 regarding a verified incident involving a firearm in a school  
22 or on school owned or leased property, including any conveyance  
23 owned, leased, or used by the school for the transport of  
24 students or school personnel, the superintendent or his or her  
25 designee shall report all such firearm-related incidents  
26 occurring in a school or on school property to the local law

1 enforcement authorities immediately and to the Department of  
2 State Police in a form, manner, and frequency as prescribed by  
3 the Department of State Police.

4 The State Board of Education shall receive an annual  
5 statistical compilation and related data associated with  
6 incidents involving firearms in schools from the Department of  
7 State Police. The State Board of Education shall compile this  
8 information by school district and make it available to the  
9 public.

10 (d) As used in this Section, the term "firearm" shall have  
11 the meaning ascribed to it in Section 2-7.5 of the Criminal  
12 Code of 2012 ~~1.1 of the Firearm Owners Identification Card Act.~~

13 As used in this Section, the term "school" means any public  
14 or private elementary or secondary school.

15 As used in this Section, the term "school grounds" includes  
16 the real property comprising any school, any conveyance owned,  
17 leased, or contracted by a school to transport students to or  
18 from school or a school-related activity, or any public way  
19 within 1,000 feet of the real property comprising any school.

20 (Source: P.A. 97-1150, eff. 1-25-13.)

21 (105 ILCS 5/34-8.05)

22 Sec. 34-8.05. Reporting firearms in schools. On or after  
23 January 1, 1997, upon receipt of any written, electronic, or  
24 verbal report from any school personnel regarding a verified  
25 incident involving a firearm in a school or on school owned or

1 leased property, including any conveyance owned, leased, or  
2 used by the school for the transport of students or school  
3 personnel, the general superintendent or his or her designee  
4 shall report all such firearm-related incidents occurring in a  
5 school or on school property to the local law enforcement  
6 authorities no later than 24 hours after the occurrence of the  
7 incident and to the Department of State Police in a form,  
8 manner, and frequency as prescribed by the Department of State  
9 Police.

10 The State Board of Education shall receive an annual  
11 statistical compilation and related data associated with  
12 incidents involving firearms in schools from the Department of  
13 State Police. As used in this Section, the term "firearm" shall  
14 have the meaning ascribed to it in Section 2-7.5 of the  
15 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
16 ~~Card Act.~~

17 (Source: P.A. 89-498, eff. 6-27-96.)

18 Section 65. The Private Detective, Private Alarm, Private  
19 Security, and Locksmith Act of 2004 is amended by changing  
20 Section 35-35 as follows:

21 (225 ILCS 447/35-35)

22 (Section scheduled to be repealed on January 1, 2014)

23 Sec. 35-35. Requirement of a firearm control card.

24 (a) No person shall perform duties that include the use,

1 carrying, or possession of a firearm in the performance of  
2 those duties without complying with the provisions of this  
3 Section and having been issued a valid firearm control card by  
4 the Department.

5 (b) No employer shall employ any person to perform the  
6 duties for which employee registration is required and allow  
7 that person to carry a firearm unless that person has complied  
8 with all the firearm training requirements of this Section and  
9 has been issued a firearm control card. This Act permits only  
10 the following to carry firearms while actually engaged in the  
11 performance of their duties or while commuting directly to or  
12 from their places of employment: persons licensed as private  
13 detectives and their registered employees; persons licensed as  
14 private security contractors and their registered employees;  
15 persons licensed as private alarm contractors and their  
16 registered employees; and employees of a registered armed  
17 proprietary security force.

18 (c) Possession of a valid firearm control card allows an  
19 employee to carry a firearm not otherwise prohibited by law  
20 while the employee is engaged in the performance of his or her  
21 duties or while the employee is commuting directly to or from  
22 the employee's place or places of employment, provided that  
23 this is accomplished within one hour from departure from home  
24 or place of employment.

25 (d) The Department shall issue a firearm control card to a  
26 person who has passed an approved firearm training course, who

1 is currently employed by an agency licensed by this Act, and  
2 has met all the requirements of this Act, ~~and who possesses a~~  
3 ~~valid firearm owner identification card.~~ Application for the  
4 firearm control card shall be made by the employer to the  
5 Department on forms provided by the Department. The Department  
6 shall forward the card to the employer who shall be responsible  
7 for its issuance to the employee. The firearm control card  
8 shall be issued by the Department and shall identify the person  
9 holding it and the name of the course where the employee  
10 received firearm instruction and shall specify the type of  
11 weapon or weapons the person is authorized by the Department to  
12 carry and for which the person has been trained.

13 (e) Expiration and requirements for renewal of firearm  
14 control cards shall be determined by rule.

15 (f) The Department may, in addition to any other  
16 disciplinary action permitted by this Act, refuse to issue,  
17 suspend, or revoke a firearm control card if the applicant or  
18 holder has been convicted of any felony or crime involving the  
19 illegal use, carrying, or possession of a deadly weapon or for  
20 a violation of this Act or rules promulgated under this Act.  
21 ~~The Department shall refuse to issue or shall revoke a firearm~~  
22 ~~control card if the applicant or holder fails to possess a~~  
23 ~~valid firearm owners identification card.~~ The Director shall  
24 summarily suspend a firearm control card if the Director finds  
25 that its continued use would constitute an imminent danger to  
26 the public. A hearing shall be held before the Board within 30

1 days if the Director summarily suspends a firearm control card.

2 (g) Notwithstanding any other provision of this Act to the  
3 contrary, all requirements relating to firearms control cards  
4 do not apply to a peace officer.

5 (h) The Department may issue a temporary firearm control  
6 card pending issuance of a new firearm control card upon an  
7 agency's acquiring of an established armed account. An agency  
8 that has acquired armed employees as a result of acquiring an  
9 established armed account may, on forms supplied by the  
10 Department, request the issuance of a temporary firearm control  
11 card for each acquired employee who held a valid firearm  
12 control card under his or her employment with the newly  
13 acquired established armed account immediately preceding the  
14 acquiring of the account and who continues to meet all of the  
15 qualifications for issuance of a firearm control card set forth  
16 in this Act and any rules adopted under this Act. The  
17 Department shall, by rule, set the fee for issuance of a  
18 temporary firearm control card.

19 (i) The Department may not issue a firearm control card to  
20 employees of a licensed fingerprint vendor agency.

21 (Source: P.A. 95-613, eff. 9-11-07.)

22 Section 70. The Mental Health and Developmental  
23 Disabilities Code is amended by changing Section 6-103.1 as  
24 follows:

1 (405 ILCS 5/6-103.1)

2 Sec. 6-103.1. Adjudication as a mental defective. When a  
3 person has been adjudicated as a mental defective ~~as defined in~~  
4 ~~Section 1.1 of the Firearm Owners Identification Card Act,~~ the  
5 court shall direct the circuit court clerk to immediately  
6 notify the Department of State Police, ~~Firearm Owner's~~  
7 ~~Identification (FOID) Office,~~ in a form and manner prescribed  
8 by the Department of State Police, and shall forward a copy of  
9 the court order to the Department. For purposes of this  
10 Section, "has been adjudicated as a mental defective" means the  
11 person is the subject of a determination by a court, board,  
12 commission or other lawful authority that a person, as a result  
13 of marked subnormal intelligence, or mental illness, mental  
14 impairment, incompetency, condition, or disease:

15 (1) is a danger to himself, herself, or to others;

16 (2) lacks the mental capacity to manage his or her own  
17 affairs;

18 (3) is not guilty in a criminal case by reason of  
19 insanity, mental disease or defect;

20 (4) is incompetent to stand trial in a criminal case;

21 (5) is not guilty by reason of lack of mental  
22 responsibility under Articles 50a and 72b of the Uniform  
23 Code of Military Justice, 10 U.S.C. 850a, 876b.

24  
25 (Source: P.A. 97-1131, eff. 1-1-13.)

1           Section 75. The Lead Poisoning Prevention Act is amended by  
2 changing Section 2 as follows:

3           (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

4           Sec. 2. Definitions. As used in this Act:

5           "Abatement" means the removal or encapsulation of all  
6 leadbearing substances in a residential building or dwelling  
7 unit.

8           "Child care facility" means any structure used by a child  
9 care provider licensed by the Department of Children and Family  
10 Services or public school structure frequented by children  
11 through 6 years of age.

12           "Delegate agency" means a unit of local government or  
13 health department approved by the Department to carry out the  
14 provisions of this Act.

15           "Department" means the Department of Public Health of the  
16 State of Illinois.

17           "Dwelling" means any structure all or part of which is  
18 designed or used for human habitation.

19           "High risk area" means an area in the State determined by  
20 the Department to be high risk for lead exposure for children  
21 through 6 years of age. The Department shall consider, but not  
22 be limited to, the following factors to determine a high risk  
23 area: age and condition (using Department of Housing and Urban  
24 Development definitions of "slum" and "blighted") of housing,  
25 proximity to highway traffic or heavy local traffic or both,

1 percentage of housing determined as rental or vacant, proximity  
2 to industry using lead, established incidence of elevated blood  
3 lead levels in children, percentage of population living below  
4 200% of federal poverty guidelines, and number of children  
5 residing in the area who are 6 years of age or younger.

6 "Exposed surface" means any interior or exterior surface of  
7 a dwelling or residential building.

8 "Lead abatement contractor" means any person or entity  
9 licensed by the Department to perform lead abatement and  
10 mitigation.

11 "Lead abatement worker" means any person employed by a lead  
12 abatement contractor and licensed by the Department to perform  
13 lead abatement and mitigation.

14 "Lead bearing substance" means any item containing or  
15 coated with lead such that the lead content is more than  
16 six-hundredths of one percent (0.06%) lead by total weight; or  
17 any dust on surfaces or in furniture or other nonpermanent  
18 elements of the dwelling; or any paint or other surface coating  
19 material containing more than five-tenths of one percent (0.5%)  
20 lead by total weight (calculated as lead metal) in the total  
21 non-volatile content of liquid paint; or lead bearing  
22 substances containing greater than one milligram per square  
23 centimeter or any lower standard for lead content in  
24 residential paint as may be established by federal law or  
25 regulation; or more than 1 milligram per square centimeter in  
26 the dried film of paint or previously applied substance; or

1 item or dust on item containing lead in excess of the amount  
2 specified in the rules and regulations authorized by this Act  
3 or a lower standard for lead content as may be established by  
4 federal law or regulation. "Lead bearing substance" does not  
5 include firearm ammunition or components as defined by the  
6 Criminal Code of 2012 ~~Firearm Owners Identification Card Act~~.

7 "Lead hazard" means a lead bearing substance that poses an  
8 immediate health hazard to humans.

9 "Lead poisoning" means the condition of having blood lead  
10 levels in excess of those considered safe under State and  
11 federal rules and regulations.

12 "Low risk area" means an area in the State determined by  
13 the Department to be low risk for lead exposure for children  
14 through 6 years of age. The Department shall consider the  
15 factors named in "high risk area" to determine low risk areas.

16 "Mitigation" means the remediation, in a manner described  
17 in Section 9, of a lead hazard so that the lead bearing  
18 substance does not pose an immediate health hazard to humans.

19 "Owner" means any person, who alone, jointly, or severally  
20 with others:

21 (a) Has legal title to any dwelling or residential  
22 building, with or without accompanying actual possession  
23 of the dwelling or residential building, or

24 (b) Has charge, care or control of the dwelling or  
25 residential building as owner or agent of the owner, or as  
26 executor, administrator, trustee, or guardian of the

1 estate of the owner.

2 "Person" means any one or more natural persons, legal  
3 entities, governmental bodies, or any combination.

4 "Residential building" means any room, group of rooms, or  
5 other interior areas of a structure designed or used for human  
6 habitation; common areas accessible by inhabitants; and the  
7 surrounding property or structures.

8 "Risk assessment" means a questionnaire to be developed by  
9 the Department for use by physicians and other health care  
10 providers to determine risk factors for children through 6  
11 years of age residing in areas designated as low risk for lead  
12 exposure.

13 (Source: P.A. 94-879, eff. 6-20-06.)

14 (430 ILCS 65/Act rep.)

15 Section 80. The Firearm Owners Identification Card Act is  
16 repealed.

17 Section 85. The Wildlife Code is amended by changing  
18 Section 3.2 as follows:

19 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

20 Sec. 3.2. Hunting license; application; instruction.  
21 Before the Department or any county, city, village, township,  
22 incorporated town clerk or his duly designated agent or any  
23 other person authorized or designated by the Department to

1 issue hunting licenses shall issue a hunting license to any  
2 person, the person shall file his application with the  
3 Department or other party authorized to issue licenses on a  
4 form provided by the Department and further give definite proof  
5 of identity and place of legal residence. Each clerk  
6 designating agents to issue licenses and stamps shall furnish  
7 the Department, within 10 days following the appointment, the  
8 names and mailing addresses of the agents. Each clerk or his  
9 duly designated agent shall be authorized to sell licenses and  
10 stamps only within the territorial area for which he was  
11 elected or appointed. No duly designated agent is authorized to  
12 furnish licenses or stamps for issuance by any other business  
13 establishment. Each application shall be executed and sworn to  
14 and shall set forth the name and description of the applicant  
15 and place of residence.

16 No hunting license shall be issued to any person born on or  
17 after January 1, 1980 unless he presents the person authorized  
18 to issue the license evidence that he has held a hunting  
19 license issued by the State of Illinois or another state in a  
20 prior year, or a certificate of competency as provided in this  
21 Section. Persons under 16 years of age may be issued a Lifetime  
22 Hunting or Sportsmen's Combination License as provided under  
23 Section 20-45 of the Fish and Aquatic Life Code but shall not  
24 be entitled to hunt unless they have a certificate of  
25 competency as provided in this Section and they shall have the  
26 certificate in their possession while hunting.

1           The Department of Natural Resources shall authorize  
2 personnel of the Department or certified volunteer instructors  
3 to conduct courses, of not less than 10 hours in length, in  
4 firearms and hunter safety, which may include training in bow  
5 and arrow safety, at regularly specified intervals throughout  
6 the State. Persons successfully completing the course shall  
7 receive a certificate of competency. The Department of Natural  
8 Resources may further cooperate with any reputable association  
9 or organization in establishing courses if the organization has  
10 as one of its objectives the promotion of safety in the  
11 handling of firearms or bow and arrow.

12           The Department of Natural Resources shall designate any  
13 person found by it to be competent to give instruction in the  
14 handling of firearms, hunter safety, and bow and arrow. The  
15 persons so appointed shall give the course of instruction and  
16 upon the successful completion shall issue to the person  
17 instructed a certificate of competency in the safe handling of  
18 firearms, hunter safety, and bow and arrow. No charge shall be  
19 made for any course of instruction except for materials or  
20 ammunition consumed. The Department of Natural Resources shall  
21 furnish information on the requirements of hunter safety  
22 education programs to be distributed free of charge to  
23 applicants for hunting licenses by the persons appointed and  
24 authorized to issue licenses. Funds for the conducting of  
25 firearms and hunter safety courses shall be taken from the fee  
26 charged for hunting licenses ~~the Firearm Owners Identification~~

1 ~~Card.~~

2       The fee for a hunting license to hunt all species for a  
3 resident of Illinois is \$12. For residents age 65 or older,  
4 and, commencing with the 2012 license year, resident veterans  
5 of the United States Armed Forces after returning from service  
6 abroad or mobilization by the President of the United States,  
7 the fee is one-half of the fee charged for a hunting license to  
8 hunt all species for a resident of Illinois. Veterans must  
9 provide to the Department, at one of the Department's 5  
10 regional offices, verification of their service. The  
11 Department shall establish what constitutes suitable  
12 verification of service for the purpose of issuing resident  
13 veterans hunting licenses at a reduced fee. Nonresidents shall  
14 be charged \$57 for a hunting license.

15       Nonresidents may be issued a nonresident hunting license  
16 for a period not to exceed 10 consecutive days' hunting in the  
17 State and shall be charged a fee of \$35.

18       A special nonresident hunting license authorizing a  
19 nonresident to take game birds by hunting on a game breeding  
20 and hunting preserve area only, established under Section 3.27,  
21 shall be issued upon proper application being made and payment  
22 of a fee equal to that for a resident hunting license. The  
23 expiration date of this license shall be on the same date each  
24 year that game breeding and hunting preserve area licenses  
25 expire.

26       Each applicant for a State Migratory Waterfowl Stamp,

1 regardless of his residence or other condition, shall pay a fee  
2 of \$15 and shall receive a stamp. Except as provided under  
3 Section 20-45 of the Fish and Aquatic Life Code, the stamp  
4 shall be signed by the person or affixed to his license or  
5 permit in a space designated by the Department for that  
6 purpose.

7 Each applicant for a State Habitat Stamp, regardless of his  
8 residence or other condition, shall pay a fee of \$5 and shall  
9 receive a stamp. Except as provided under Section 20-45 of the  
10 Fish and Aquatic Life Code, the stamp shall be signed by the  
11 person or affixed to his license or permit in a space  
12 designated by the Department for that purpose.

13 Nothing in this Section shall be construed as to require  
14 the purchase of more than one State Habitat Stamp by any person  
15 in any one license year.

16 The Department shall furnish the holders of hunting  
17 licenses and stamps with an insignia as evidence of possession  
18 of license, or license and stamp, as the Department may  
19 consider advisable. The insignia shall be exhibited and used as  
20 the Department may order.

21 All other hunting licenses and all State stamps shall  
22 expire upon March 31 of each year.

23 Every person holding any license, permit, or stamp issued  
24 under the provisions of this Act shall have it in his  
25 possession for immediate presentation for inspection to the  
26 officers and authorized employees of the Department, any

1 sheriff, deputy sheriff, or any other peace officer making a  
2 demand for it. This provision shall not apply to Department  
3 owned or managed sites where it is required that all hunters  
4 deposit their license or permit, ~~or Firearm Owner's~~  
5 ~~Identification Card~~ at the check station upon entering the  
6 hunting areas.

7 (Source: P.A. 96-831, eff. 1-1-10; 97-498, eff. 4-1-12.)

8 Section 90. The Illinois Vehicle Code is amended by  
9 changing Sections 11-208.7 and 12-612 as follows:

10 (625 ILCS 5/11-208.7)

11 Sec. 11-208.7. Administrative fees and procedures for  
12 impounding vehicles for specified violations.

13 (a) Any municipality may, consistent with this Section,  
14 provide by ordinance procedures for the release of properly  
15 impounded vehicles and for the imposition of a reasonable  
16 administrative fee related to its administrative and  
17 processing costs associated with the investigation, arrest,  
18 and detention of an offender, or the removal, impoundment,  
19 storage, and release of the vehicle. The administrative fee  
20 imposed by the municipality may be in addition to any fees  
21 charged for the towing and storage of an impounded vehicle. The  
22 administrative fee shall be waived by the municipality upon  
23 verifiable proof that the vehicle was stolen at the time the  
24 vehicle was impounded.

1 (b) Any ordinance establishing procedures for the release  
2 of properly impounded vehicles under this Section may impose  
3 fees for the following violations:

4 (1) operation or use of a motor vehicle in the  
5 commission of, or in the attempt to commit, an offense for  
6 which a motor vehicle may be seized and forfeited pursuant  
7 to Section 36-1 of the Criminal Code of 2012; or

8 (2) driving under the influence of alcohol, another  
9 drug or drugs, an intoxicating compound or compounds, or  
10 any combination thereof, in violation of Section 11-501 of  
11 this Code; or

12 (3) operation or use of a motor vehicle in the  
13 commission of, or in the attempt to commit, a felony or in  
14 violation of the Cannabis Control Act; or

15 (4) operation or use of a motor vehicle in the  
16 commission of, or in the attempt to commit, an offense in  
17 violation of the Illinois Controlled Substances Act; or

18 (5) operation or use of a motor vehicle in the  
19 commission of, or in the attempt to commit, an offense in  
20 violation of Section 24-1, 24-1.5, 24-0.1, or 24-3.1 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012; or

22 (6) driving while a driver's license, permit, or  
23 privilege to operate a motor vehicle is suspended or  
24 revoked pursuant to Section 6-303 of this Code; except that  
25 vehicles shall not be subjected to seizure or impoundment  
26 if the suspension is for an unpaid citation (parking or

1 moving) or due to failure to comply with emission testing;

2 or

3 (7) operation or use of a motor vehicle while  
4 soliciting, possessing, or attempting to solicit or  
5 possess cannabis or a controlled substance, as defined by  
6 the Cannabis Control Act or the Illinois Controlled  
7 Substances Act; or

8 (8) operation or use of a motor vehicle with an expired  
9 driver's license, in violation of Section 6-101 of this  
10 Code, if the period of expiration is greater than one year;  
11 or

12 (9) operation or use of a motor vehicle without ever  
13 having been issued a driver's license or permit, in  
14 violation of Section 6-101 of this Code, or operating a  
15 motor vehicle without ever having been issued a driver's  
16 license or permit due to a person's age; or

17 (10) operation or use of a motor vehicle by a person  
18 against whom a warrant has been issued by a circuit clerk  
19 in Illinois for failing to answer charges that the driver  
20 violated Section 6-101, 6-303, or 11-501 of this Code; or

21 (11) operation or use of a motor vehicle in the  
22 commission of, or in the attempt to commit, an offense in  
23 violation of Article 16 or 16A of the Criminal Code of 1961  
24 or the Criminal Code of 2012; or

25 (12) operation or use of a motor vehicle in the  
26 commission of, or in the attempt to commit, any other

1           misdemeanor or felony offense in violation of the Criminal  
2           Code of 1961 or the Criminal Code of 2012, when so provided  
3           by local ordinance.

4           (c) The following shall apply to any fees imposed for  
5           administrative and processing costs pursuant to subsection  
6           (b):

7                   (1) All administrative fees and towing and storage  
8                   charges shall be imposed on the registered owner of the  
9                   motor vehicle or the agents of that owner.

10                   (2) The fees shall be in addition to (i) any other  
11                   penalties that may be assessed by a court of law for the  
12                   underlying violations; and (ii) any towing or storage fees,  
13                   or both, charged by the towing company.

14                   (3) The fees shall be uniform for all similarly  
15                   situated vehicles.

16                   (4) The fees shall be collected by and paid to the  
17                   municipality imposing the fees.

18                   (5) The towing or storage fees, or both, shall be  
19                   collected by and paid to the person, firm, or entity that  
20                   tows and stores the impounded vehicle.

21           (d) Any ordinance establishing procedures for the release  
22           of properly impounded vehicles under this Section shall provide  
23           for an opportunity for a hearing, as provided in subdivision  
24           (b) (4) of Section 11-208.3 of this Code, and for the release of  
25           the vehicle to the owner of record, lessee, or a lienholder of  
26           record upon payment of all administrative fees and towing and

1 storage fees.

2 (e) Any ordinance establishing procedures for the  
3 impoundment and release of vehicles under this Section shall  
4 include the following provisions concerning notice of  
5 impoundment:

6 (1) Whenever a police officer has cause to believe that  
7 a motor vehicle is subject to impoundment, the officer  
8 shall provide for the towing of the vehicle to a facility  
9 authorized by the municipality.

10 (2) At the time the vehicle is towed, the municipality  
11 shall notify or make a reasonable attempt to notify the  
12 owner, lessee, or person identifying himself or herself as  
13 the owner or lessee of the vehicle, or any person who is  
14 found to be in control of the vehicle at the time of the  
15 alleged offense, of the fact of the seizure, and of the  
16 vehicle owner's or lessee's right to an administrative  
17 hearing.

18 (3) The municipality shall also provide notice that the  
19 motor vehicle will remain impounded pending the completion  
20 of an administrative hearing, unless the owner or lessee of  
21 the vehicle or a lienholder posts with the municipality a  
22 bond equal to the administrative fee as provided by  
23 ordinance and pays for all towing and storage charges.

24 (f) Any ordinance establishing procedures for the  
25 impoundment and release of vehicles under this Section shall  
26 include a provision providing that the registered owner or

1 lessee of the vehicle and any lienholder of record shall be  
2 provided with a notice of hearing. The notice shall:

3 (1) be served upon the owner, lessee, and any  
4 lienholder of record either by personal service or by first  
5 class mail to the interested party's address as registered  
6 with the Secretary of State;

7 (2) be served upon interested parties within 10 days  
8 after a vehicle is impounded by the municipality; and

9 (3) contain the date, time, and location of the  
10 administrative hearing. An initial hearing shall be  
11 scheduled and convened no later than 45 days after the date  
12 of the mailing of the notice of hearing.

13 (g) In addition to the requirements contained in  
14 subdivision (b) (4) of Section 11-208.3 of this Code relating to  
15 administrative hearings, any ordinance providing for the  
16 impoundment and release of vehicles under this Section shall  
17 include the following requirements concerning administrative  
18 hearings:

19 (1) administrative hearings shall be conducted by a  
20 hearing officer who is an attorney licensed to practice law  
21 in this State for a minimum of 3 years;

22 (2) at the conclusion of the administrative hearing,  
23 the hearing officer shall issue a written decision either  
24 sustaining or overruling the vehicle impoundment;

25 (3) if the basis for the vehicle impoundment is  
26 sustained by the administrative hearing officer, any

1 administrative fee posted to secure the release of the  
2 vehicle shall be forfeited to the municipality;

3 (4) all final decisions of the administrative hearing  
4 officer shall be subject to review under the provisions of  
5 the Administrative Review Law; and

6 (5) unless the administrative hearing officer  
7 overturns the basis for the vehicle impoundment, no vehicle  
8 shall be released to the owner, lessee, or lienholder of  
9 record until all administrative fees and towing and storage  
10 charges are paid.

11 (h) Vehicles not retrieved from the towing facility or  
12 storage facility within 35 days after the administrative  
13 hearing officer issues a written decision shall be deemed  
14 abandoned and disposed of in accordance with the provisions of  
15 Article II of Chapter 4 of this Code.

16 (i) Unless stayed by a court of competent jurisdiction, any  
17 fine, penalty, or administrative fee imposed under this Section  
18 which remains unpaid in whole or in part after the expiration  
19 of the deadline for seeking judicial review under the  
20 Administrative Review Law may be enforced in the same manner as  
21 a judgment entered by a court of competent jurisdiction.

22 (Source: P.A. 97-109, eff. 1-1-12; 97-1150, eff. 1-25-13.)

23 (625 ILCS 5/12-612)

24 Sec. 12-612. False or secret compartment in a vehicle.

25 (a) Offenses. It is unlawful for any person:

1           (1) to own or operate with criminal intent any vehicle  
2 he or she knows to contain a false or secret compartment  
3 that is used or has been used to conceal a firearm as  
4 prohibited by Section 24-0.1 ~~paragraph (a) (4) of Section~~  
5 ~~24-1~~ or paragraph (a) (1) of Section 24-1.6 of the Criminal  
6 Code of 2012, or controlled substance as prohibited by the  
7 Illinois Controlled Substances Act or the Methamphetamine  
8 Control and Community Protection Act; or

9           (2) to install, create, build, or fabricate in any  
10 vehicle a false or secret compartment knowing that another  
11 person intends to use the compartment to conceal a firearm  
12 as prohibited by Section 24-0.1 or paragraph (a) (1) of  
13 Section 24-1.6 ~~(a) (4) of Section 24-1~~ of the Criminal Code  
14 of 2012, or controlled substance as prohibited by the  
15 Illinois Controlled Substances Act or the Methamphetamine  
16 Control and Community Protection Act.

17 (b) Definitions. For purposes of this Section:

18           (1) "False or secret compartment" means an enclosure  
19 integrated into a vehicle that is a modification of the  
20 vehicle as built by the original manufacturer.

21           (2) "Vehicle" means any of the following vehicles  
22 without regard to whether the vehicles are private or  
23 commercial, including, but not limited to, cars, trucks,  
24 buses, aircraft, and watercraft.

25           (c) Forfeiture. Any vehicle containing a false or secret  
26 compartment used in violation of this Section, as well as any

1 items within that compartment, shall be subject to seizure by  
2 the Department of State Police or by any municipal or other  
3 local law enforcement agency within whose jurisdiction that  
4 property is found as provided in Sections 36-1 and 36-2 of the  
5 Criminal Code of 2012 (720 ILCS 5/36-1 and 5/36-2). The removal  
6 of the false or secret compartment from the vehicle, or the  
7 promise to do so, shall not be the basis for a defense to  
8 forfeiture of the motor vehicle under Section 36-2 of the  
9 Criminal Code of 2012 and shall not be the basis for the court  
10 to release the vehicle to the owner.

11 (d) Sentence. A violation of this Section is a Class 4  
12 felony. The sentence imposed for violation of this Section  
13 shall be served consecutively to any other sentence imposed in  
14 connection with the firearm, controlled substance, or other  
15 contraband concealed in the false or secret compartment.

16 (e) For purposes of this Section, a new owner is not  
17 responsible for any conduct that occurred or knowledge of  
18 conduct that occurred prior to transfer of title.

19 (Source: P.A. 96-202, eff. 1-1-10; 97-1150, eff. 1-25-13.)

20 Section 95. The Clerks of Courts Act is amended by changing  
21 Section 27.3a as follows:

22 (705 ILCS 105/27.3a)

23 Sec. 27.3a. Fees for automated record keeping, probation  
24 and court services operations, and State and Conservation

1 Police operations.

2 1. The expense of establishing and maintaining automated  
3 record keeping systems in the offices of the clerks of the  
4 circuit court shall be borne by the county. To defray such  
5 expense in any county having established such an automated  
6 system or which elects to establish such a system, the county  
7 board may require the clerk of the circuit court in their  
8 county to charge and collect a court automation fee of not less  
9 than \$1 nor more than \$15 to be charged and collected by the  
10 clerk of the court. Such fee shall be paid at the time of  
11 filing the first pleading, paper or other appearance filed by  
12 each party in all civil cases or by the defendant in any  
13 felony, traffic, misdemeanor, municipal ordinance, or  
14 conservation case upon a judgment of guilty or grant of  
15 supervision, provided that the record keeping system which  
16 processes the case category for which the fee is charged is  
17 automated or has been approved for automation by the county  
18 board, and provided further that no additional fee shall be  
19 required if more than one party is presented in a single  
20 pleading, paper or other appearance. Such fee shall be  
21 collected in the manner in which all other fees or costs are  
22 collected.

23 1.1. Starting on July 6, 2012 (the effective date of Public  
24 Act 97-761) and pursuant to an administrative order from the  
25 chief judge of the circuit or the presiding judge of the county  
26 authorizing such collection, a clerk of the circuit court in

1 any county that imposes a fee pursuant to subsection 1 of this  
2 Section shall also charge and collect an additional \$10  
3 operations fee for probation and court services department  
4 operations.

5 This additional fee shall be paid by the defendant in any  
6 felony, traffic, misdemeanor, local ordinance, or conservation  
7 case upon a judgment of guilty or grant of supervision, except  
8 such \$10 operations fee shall not be charged and collected in  
9 cases governed by Supreme Court Rule 529 in which the bail  
10 amount is \$120 or less.

11 1.2. With respect to the fee imposed and collected under  
12 subsection 1.1 of this Section, each clerk shall transfer all  
13 fees monthly to the county treasurer for deposit into the  
14 probation and court services fund created under Section 15.1 of  
15 the Probation and Probation Officers Act, and such monies shall  
16 be disbursed from the fund only at the direction of the chief  
17 judge of the circuit or another judge designated by the Chief  
18 Circuit Judge in accordance with the policies and guidelines  
19 approved by the Supreme Court.

20 1.5. Starting on the effective date of this amendatory Act  
21 of the 96th General Assembly, a clerk of the circuit court in  
22 any county that imposes a fee pursuant to subsection 1 of this  
23 Section, shall charge and collect an additional fee in an  
24 amount equal to the amount of the fee imposed pursuant to  
25 subsection 1 of this Section. This additional fee shall be paid  
26 by the defendant in any felony, traffic, misdemeanor, or local

1 ordinance case upon a judgment of guilty or grant of  
2 supervision. This fee shall not be paid by the defendant for  
3 any conservation violation listed in subsection 1.6 of this  
4 Section.

5 1.6. Starting on July 1, 2012 (the effective date of Public  
6 Act 97-46), a clerk of the circuit court in any county that  
7 imposes a fee pursuant to subsection 1 of this Section shall  
8 charge and collect an additional fee in an amount equal to the  
9 amount of the fee imposed pursuant to subsection 1 of this  
10 Section. This additional fee shall be paid by the defendant  
11 upon a judgment of guilty or grant of supervision for a  
12 conservation violation under the State Parks Act, the  
13 Recreational Trails of Illinois Act, the Illinois Explosives  
14 Act, the Timber Buyers Licensing Act, the Forest Products  
15 Transportation Act, ~~the Firearm Owners Identification Card~~  
16 ~~Act,~~ the Environmental Protection Act, the Fish and Aquatic  
17 Life Code, the Wildlife Code, the Cave Protection Act, the  
18 Illinois Exotic Weed Act, the Illinois Forestry Development  
19 Act, the Ginseng Harvesting Act, the Illinois Lake Management  
20 Program Act, the Illinois Natural Areas Preservation Act, the  
21 Illinois Open Land Trust Act, the Open Space Lands Acquisition  
22 and Development Act, the Illinois Prescribed Burning Act, the  
23 State Forest Act, the Water Use Act of 1983, the Illinois  
24 Veteran, Youth, and Young Adult Conservation Jobs Act, the  
25 Snowmobile Registration and Safety Act, the Boat Registration  
26 and Safety Act, the Illinois Dangerous Animals Act, the Hunter

1 and Fishermen Interference Prohibition Act, the Wrongful Tree  
2 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,  
3 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of  
4 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the  
5 Criminal Code of 2012.

6 2. With respect to the fee imposed under subsection 1 of  
7 this Section, each clerk shall commence such charges and  
8 collections upon receipt of written notice from the chairman of  
9 the county board together with a certified copy of the board's  
10 resolution, which the clerk shall file of record in his office.

11 3. With respect to the fee imposed under subsection 1 of  
12 this Section, such fees shall be in addition to all other fees  
13 and charges of such clerks, and assessable as costs, and may be  
14 waived only if the judge specifically provides for the waiver  
15 of the court automation fee. The fees shall be remitted monthly  
16 by such clerk to the county treasurer, to be retained by him in  
17 a special fund designated as the court automation fund. The  
18 fund shall be audited by the county auditor, and the board  
19 shall make expenditure from the fund in payment of any cost  
20 related to the automation of court records, including hardware,  
21 software, research and development costs and personnel related  
22 thereto, provided that the expenditure is approved by the clerk  
23 of the court and by the chief judge of the circuit court or his  
24 designate.

25 4. With respect to the fee imposed under subsection 1 of  
26 this Section, such fees shall not be charged in any matter

1 coming to any such clerk on change of venue, nor in any  
2 proceeding to review the decision of any administrative  
3 officer, agency or body.

4 5. With respect to the additional fee imposed under  
5 subsection 1.5 of this Section, the fee shall be remitted by  
6 the circuit clerk to the State Treasurer within one month after  
7 receipt for deposit into the State Police Operations Assistance  
8 Fund.

9 6. With respect to the additional fees imposed under  
10 subsection 1.5 of this Section, the Director of State Police  
11 may direct the use of these fees for homeland security purposes  
12 by transferring these fees on a quarterly basis from the State  
13 Police Operations Assistance Fund into the Illinois Law  
14 Enforcement Alarm Systems (ILEAS) Fund for homeland security  
15 initiatives programs. The transferred fees shall be allocated,  
16 subject to the approval of the ILEAS Executive Board, as  
17 follows: (i) 66.6% shall be used for homeland security  
18 initiatives and (ii) 33.3% shall be used for airborne  
19 operations. The ILEAS Executive Board shall annually supply the  
20 Director of State Police with a report of the use of these  
21 fees.

22 7. With respect to the additional fee imposed under  
23 subsection 1.6 of this Section, the fee shall be remitted by  
24 the circuit clerk to the State Treasurer within one month after  
25 receipt for deposit into the Conservation Police Operations  
26 Assistance Fund.

1 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;  
2 97-453, eff. 8-19-11; 97-738, eff. 7-5-12; 97-761, eff. 7-6-12;  
3 97-813, eff. 7-13-12; 97-1108, eff. 1-1-13; 97-1150, eff.  
4 1-25-13.)

5 Section 100. The Juvenile Court Act of 1987 is amended by  
6 changing Sections 1-8, 5-130, 5-407, and 5-901 as follows:

7 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

8 Sec. 1-8. Confidentiality and accessibility of juvenile  
9 court records.

10 (A) Inspection and copying of juvenile court records  
11 relating to a minor who is the subject of a proceeding under  
12 this Act shall be restricted to the following:

13 (1) The minor who is the subject of record, his  
14 parents, guardian and counsel.

15 (2) Law enforcement officers and law enforcement  
16 agencies when such information is essential to executing an  
17 arrest or search warrant or other compulsory process, or to  
18 conducting an ongoing investigation or relating to a minor  
19 who has been adjudicated delinquent and there has been a  
20 previous finding that the act which constitutes the  
21 previous offense was committed in furtherance of criminal  
22 activities by a criminal street gang.

23 Before July 1, 1994, for the purposes of this Section,  
24 "criminal street gang" means any ongoing organization,

1 association, or group of 3 or more persons, whether formal  
2 or informal, having as one of its primary activities the  
3 commission of one or more criminal acts and that has a  
4 common name or common identifying sign, symbol or specific  
5 color apparel displayed, and whose members individually or  
6 collectively engage in or have engaged in a pattern of  
7 criminal activity.

8 Beginning July 1, 1994, for purposes of this Section,  
9 "criminal street gang" has the meaning ascribed to it in  
10 Section 10 of the Illinois Streetgang Terrorism Omnibus  
11 Prevention Act.

12 (3) Judges, hearing officers, prosecutors, probation  
13 officers, social workers or other individuals assigned by  
14 the court to conduct a pre-adjudication or predisposition  
15 investigation, and individuals responsible for supervising  
16 or providing temporary or permanent care and custody for  
17 minors pursuant to the order of the juvenile court when  
18 essential to performing their responsibilities.

19 (4) Judges, prosecutors and probation officers:

20 (a) in the course of a trial when institution of  
21 criminal proceedings has been permitted or required  
22 under Section 5-805; or

23 (b) when criminal proceedings have been permitted  
24 or required under Section 5-805 and a minor is the  
25 subject of a proceeding to determine the amount of  
26 bail; or

1 (c) when criminal proceedings have been permitted  
2 or required under Section 5-805 and a minor is the  
3 subject of a pre-trial investigation, pre-sentence  
4 investigation or fitness hearing, or proceedings on an  
5 application for probation; or

6 (d) when a minor becomes 17 years of age or older,  
7 and is the subject of criminal proceedings, including a  
8 hearing to determine the amount of bail, a pre-trial  
9 investigation, a pre-sentence investigation, a fitness  
10 hearing, or proceedings on an application for  
11 probation.

12 (5) Adult and Juvenile Prisoner Review Boards.

13 (6) Authorized military personnel.

14 (7) Victims, their subrogees and legal  
15 representatives; however, such persons shall have access  
16 only to the name and address of the minor and information  
17 pertaining to the disposition or alternative adjustment  
18 plan of the juvenile court.

19 (8) Persons engaged in bona fide research, with the  
20 permission of the presiding judge of the juvenile court and  
21 the chief executive of the agency that prepared the  
22 particular records; provided that publication of such  
23 research results in no disclosure of a minor's identity and  
24 protects the confidentiality of the record.

25 (9) The Secretary of State to whom the Clerk of the  
26 Court shall report the disposition of all cases, as

1 required in Section 6-204 of the Illinois Vehicle Code.  
2 However, information reported relative to these offenses  
3 shall be privileged and available only to the Secretary of  
4 State, courts, and police officers.

5 (10) The administrator of a bonafide substance abuse  
6 student assistance program with the permission of the  
7 presiding judge of the juvenile court.

8 (11) Mental health professionals on behalf of the  
9 Illinois Department of Corrections or the Department of  
10 Human Services or prosecutors who are evaluating,  
11 prosecuting, or investigating a potential or actual  
12 petition brought under the Sexually Violent Persons  
13 Commitment Act relating to a person who is the subject of  
14 juvenile court records or the respondent to a petition  
15 brought under the Sexually Violent Persons Commitment Act,  
16 who is the subject of juvenile court records sought. Any  
17 records and any information obtained from those records  
18 under this paragraph (11) may be used only in sexually  
19 violent persons commitment proceedings.

20 (A-1) Findings and exclusions of paternity entered in  
21 proceedings occurring under Article II of this Act shall be  
22 disclosed, in a manner and form approved by the Presiding Judge  
23 of the Juvenile Court, to the Department of Healthcare and  
24 Family Services when necessary to discharge the duties of the  
25 Department of Healthcare and Family Services under Article X of  
26 the Illinois Public Aid Code.

1           (B) A minor who is the victim in a juvenile proceeding  
2 shall be provided the same confidentiality regarding  
3 disclosure of identity as the minor who is the subject of  
4 record.

5           (C) Except as otherwise provided in this subsection (C),  
6 juvenile court records shall not be made available to the  
7 general public but may be inspected by representatives of  
8 agencies, associations and news media or other properly  
9 interested persons by general or special order of the court  
10 presiding over matters pursuant to this Act.

11           (0.1) In cases where the records concern a pending  
12 juvenile court case, the party seeking to inspect the  
13 juvenile court records shall provide actual notice to the  
14 attorney or guardian ad litem of the minor whose records  
15 are sought.

16           (0.2) In cases where the records concern a juvenile  
17 court case that is no longer pending, the party seeking to  
18 inspect the juvenile court records shall provide actual  
19 notice to the minor or the minor's parent or legal  
20 guardian, and the matter shall be referred to the chief  
21 judge presiding over matters pursuant to this Act.

22           (0.3) In determining whether the records should be  
23 available for inspection, the court shall consider the  
24 minor's interest in confidentiality and rehabilitation  
25 over the moving party's interest in obtaining the  
26 information. The State's Attorney, the minor, and the

1 minor's parents, guardian, and counsel shall at all times  
2 have the right to examine court files and records. For  
3 purposes of obtaining documents pursuant to this Section, a  
4 civil subpoena is not an order of the court.

5 (0.4) Any records obtained in violation of this  
6 subsection (C) shall not be admissible in any criminal or  
7 civil proceeding, or operate to disqualify a minor from  
8 subsequently holding public office, or operate as a  
9 forfeiture of any public benefit, right, privilege, or  
10 right to receive any license granted by public authority.

11 (1) The court shall allow the general public to have  
12 access to the name, address, and offense of a minor who is  
13 adjudicated a delinquent minor under this Act under either  
14 of the following circumstances:

15 (A) The adjudication of delinquency was based upon  
16 the minor's commission of first degree murder, attempt  
17 to commit first degree murder, aggravated criminal  
18 sexual assault, or criminal sexual assault; or

19 (B) The court has made a finding that the minor was  
20 at least 13 years of age at the time the act was  
21 committed and the adjudication of delinquency was  
22 based upon the minor's commission of: (i) an act in  
23 furtherance of the commission of a felony as a member  
24 of or on behalf of a criminal street gang, (ii) an act  
25 involving the use of a firearm in the commission of a  
26 felony, (iii) an act that would be a Class X felony

1 offense under or the minor's second or subsequent Class  
2 2 or greater felony offense under the Cannabis Control  
3 Act if committed by an adult, (iv) an act that would be  
4 a second or subsequent offense under Section 402 of the  
5 Illinois Controlled Substances Act if committed by an  
6 adult, (v) an act that would be an offense under  
7 Section 401 of the Illinois Controlled Substances Act  
8 if committed by an adult, (vi) an act that would be a  
9 second or subsequent offense under Section 60 of the  
10 Methamphetamine Control and Community Protection Act,  
11 or (vii) an act that would be an offense under another  
12 Section of the Methamphetamine Control and Community  
13 Protection Act.

14 (2) The court shall allow the general public to have  
15 access to the name, address, and offense of a minor who is  
16 at least 13 years of age at the time the offense is  
17 committed and who is convicted, in criminal proceedings  
18 permitted or required under Section 5-4, under either of  
19 the following circumstances:

20 (A) The minor has been convicted of first degree  
21 murder, attempt to commit first degree murder,  
22 aggravated criminal sexual assault, or criminal sexual  
23 assault,

24 (B) The court has made a finding that the minor was  
25 at least 13 years of age at the time the offense was  
26 committed and the conviction was based upon the minor's

1 commission of: (i) an offense in furtherance of the  
2 commission of a felony as a member of or on behalf of a  
3 criminal street gang, (ii) an offense involving the use  
4 of a firearm in the commission of a felony, (iii) a  
5 Class X felony offense under or a second or subsequent  
6 Class 2 or greater felony offense under the Cannabis  
7 Control Act, (iv) a second or subsequent offense under  
8 Section 402 of the Illinois Controlled Substances Act,  
9 (v) an offense under Section 401 of the Illinois  
10 Controlled Substances Act, (vi) an act that would be a  
11 second or subsequent offense under Section 60 of the  
12 Methamphetamine Control and Community Protection Act,  
13 or (vii) an act that would be an offense under another  
14 Section of the Methamphetamine Control and Community  
15 Protection Act.

16 (D) Pending or following any adjudication of delinquency  
17 for any offense defined in Sections 11-1.20 through 11-1.60 or  
18 12-13 through 12-16 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012, the victim of any such offense shall  
20 receive the rights set out in Sections 4 and 6 of the Bill of  
21 Rights for Victims and Witnesses of Violent Crime Act; and the  
22 juvenile who is the subject of the adjudication,  
23 notwithstanding any other provision of this Act, shall be  
24 treated as an adult for the purpose of affording such rights to  
25 the victim.

26 (E) Nothing in this Section shall affect the right of a

1 Civil Service Commission or appointing authority of any state,  
2 county or municipality examining the character and fitness of  
3 an applicant for employment with a law enforcement agency,  
4 correctional institution, or fire department to ascertain  
5 whether that applicant was ever adjudicated to be a delinquent  
6 minor and, if so, to examine the records of disposition or  
7 evidence which were made in proceedings under this Act.

8 (F) Following any adjudication of delinquency for a crime  
9 which would be a felony if committed by an adult, or following  
10 any adjudication of delinquency for a violation of Section  
11 24-0.1, 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of  
12 1961 or the Criminal Code of 2012, the State's Attorney shall  
13 ascertain whether the minor respondent is enrolled in school  
14 and, if so, shall provide a copy of the dispositional order to  
15 the principal or chief administrative officer of the school.  
16 Access to such juvenile records shall be limited to the  
17 principal or chief administrative officer of the school and any  
18 guidance counselor designated by him.

19 (G) Nothing contained in this Act prevents the sharing or  
20 disclosure of information or records relating or pertaining to  
21 juveniles subject to the provisions of the Serious Habitual  
22 Offender Comprehensive Action Program when that information is  
23 used to assist in the early identification and treatment of  
24 habitual juvenile offenders.

25 (H) When a Court hearing a proceeding under Article II of  
26 this Act becomes aware that an earlier proceeding under Article

1 II had been heard in a different county, that Court shall  
2 request, and the Court in which the earlier proceedings were  
3 initiated shall transmit, an authenticated copy of the Court  
4 record, including all documents, petitions, and orders filed  
5 therein and the minute orders, transcript of proceedings, and  
6 docket entries of the Court.

7 (I) The Clerk of the Circuit Court shall report to the  
8 Department of State Police, in the form and manner required by  
9 the Department of State Police, the final disposition of each  
10 minor who has been arrested or taken into custody before his or  
11 her 17th birthday for those offenses required to be reported  
12 under Section 5 of the Criminal Identification Act. Information  
13 reported to the Department under this Section may be maintained  
14 with records that the Department files under Section 2.1 of the  
15 Criminal Identification Act.

16 (Source: P.A. 96-212, eff. 8-10-09; 96-1551, eff. 7-1-11;  
17 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13.)

18 (705 ILCS 405/5-130)

19 Sec. 5-130. Excluded jurisdiction.

20 (1) (a) The definition of delinquent minor under Section  
21 5-120 of this Article shall not apply to any minor who at the  
22 time of an offense was at least 15 years of age and who is  
23 charged with: (i) first degree murder, (ii) aggravated criminal  
24 sexual assault, (iii) aggravated battery with a firearm as  
25 described in Section 12-4.2 or subdivision (e)(1), (e)(2),

1 (e) (3), or (e) (4) of Section 12-3.05 where the minor personally  
2 discharged a firearm as defined in Section 2-15.5 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012, (iv) armed  
4 robbery when the armed robbery was committed with a firearm, or  
5 (v) aggravated vehicular hijacking when the hijacking was  
6 committed with a firearm.

7 These charges and all other charges arising out of the same  
8 incident shall be prosecuted under the criminal laws of this  
9 State.

10 (b) (i) If before trial or plea an information or  
11 indictment is filed that does not charge an offense specified  
12 in paragraph (a) of this subsection (1) the State's Attorney  
13 may proceed on any lesser charge or charges, but only in  
14 Juvenile Court under the provisions of this Article. The  
15 State's Attorney may proceed on a lesser charge if before trial  
16 the minor defendant knowingly and with advice of counsel  
17 waives, in writing, his or her right to have the matter proceed  
18 in Juvenile Court.

19 (ii) If before trial or plea an information or indictment  
20 is filed that includes one or more charges specified in  
21 paragraph (a) of this subsection (1) and additional charges  
22 that are not specified in that paragraph, all of the charges  
23 arising out of the same incident shall be prosecuted under the  
24 Criminal Code of 1961 or the Criminal Code of 2012.

25 (c) (i) If after trial or plea the minor is convicted of  
26 any offense covered by paragraph (a) of this subsection (1),

1 then, in sentencing the minor, the court shall have available  
2 any or all dispositions prescribed for that offense under  
3 Chapter V of the Unified Code of Corrections.

4 (ii) If after trial or plea the court finds that the minor  
5 committed an offense not covered by paragraph (a) of this  
6 subsection (1), that finding shall not invalidate the verdict  
7 or the prosecution of the minor under the criminal laws of the  
8 State; however, unless the State requests a hearing for the  
9 purpose of sentencing the minor under Chapter V of the Unified  
10 Code of Corrections, the Court must proceed under Sections  
11 5-705 and 5-710 of this Article. To request a hearing, the  
12 State must file a written motion within 10 days following the  
13 entry of a finding or the return of a verdict. Reasonable  
14 notice of the motion shall be given to the minor or his or her  
15 counsel. If the motion is made by the State, the court shall  
16 conduct a hearing to determine if the minor should be sentenced  
17 under Chapter V of the Unified Code of Corrections. In making  
18 its determination, the court shall consider among other  
19 matters: (a) whether there is evidence that the offense was  
20 committed in an aggressive and premeditated manner; (b) the age  
21 of the minor; (c) the previous history of the minor; (d)  
22 whether there are facilities particularly available to the  
23 Juvenile Court or the Department of Juvenile Justice for the  
24 treatment and rehabilitation of the minor; (e) whether the  
25 security of the public requires sentencing under Chapter V of  
26 the Unified Code of Corrections; and (f) whether the minor

1 possessed a deadly weapon when committing the offense. The  
2 rules of evidence shall be the same as if at trial. If after  
3 the hearing the court finds that the minor should be sentenced  
4 under Chapter V of the Unified Code of Corrections, then the  
5 court shall sentence the minor accordingly having available to  
6 it any or all dispositions so prescribed.

7 (2) (Blank).

8 (3) (a) The definition of delinquent minor under Section  
9 5-120 of this Article shall not apply to any minor who at the  
10 time of the offense was at least 15 years of age and who is  
11 charged with a violation of the provisions of Section 24-0.1 or  
12 paragraph (1), (3), (4), or (10) of subsection (a) of Section  
13 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012  
14 while in school, regardless of the time of day or the time of  
15 year, or on the real property comprising any school, regardless  
16 of the time of day or the time of year. School is defined, for  
17 purposes of this Section as any public or private elementary or  
18 secondary school, community college, college, or university.  
19 These charges and all other charges arising out of the same  
20 incident shall be prosecuted under the criminal laws of this  
21 State.

22 (b) (i) If before trial or plea an information or  
23 indictment is filed that does not charge an offense specified  
24 in paragraph (a) of this subsection (3) the State's Attorney  
25 may proceed on any lesser charge or charges, but only in  
26 Juvenile Court under the provisions of this Article. The

1 State's Attorney may proceed under the criminal laws of this  
2 State on a lesser charge if before trial the minor defendant  
3 knowingly and with advice of counsel waives, in writing, his or  
4 her right to have the matter proceed in Juvenile Court.

5 (ii) If before trial or plea an information or indictment  
6 is filed that includes one or more charges specified in  
7 paragraph (a) of this subsection (3) and additional charges  
8 that are not specified in that paragraph, all of the charges  
9 arising out of the same incident shall be prosecuted under the  
10 criminal laws of this State.

11 (c) (i) If after trial or plea the minor is convicted of  
12 any offense covered by paragraph (a) of this subsection (3),  
13 then, in sentencing the minor, the court shall have available  
14 any or all dispositions prescribed for that offense under  
15 Chapter V of the Unified Code of Corrections.

16 (ii) If after trial or plea the court finds that the minor  
17 committed an offense not covered by paragraph (a) of this  
18 subsection (3), that finding shall not invalidate the verdict  
19 or the prosecution of the minor under the criminal laws of the  
20 State; however, unless the State requests a hearing for the  
21 purpose of sentencing the minor under Chapter V of the Unified  
22 Code of Corrections, the Court must proceed under Sections  
23 5-705 and 5-710 of this Article. To request a hearing, the  
24 State must file a written motion within 10 days following the  
25 entry of a finding or the return of a verdict. Reasonable  
26 notice of the motion shall be given to the minor or his or her

1 counsel. If the motion is made by the State, the court shall  
2 conduct a hearing to determine if the minor should be sentenced  
3 under Chapter V of the Unified Code of Corrections. In making  
4 its determination, the court shall consider among other  
5 matters: (a) whether there is evidence that the offense was  
6 committed in an aggressive and premeditated manner; (b) the age  
7 of the minor; (c) the previous history of the minor; (d)  
8 whether there are facilities particularly available to the  
9 Juvenile Court or the Department of Juvenile Justice for the  
10 treatment and rehabilitation of the minor; (e) whether the  
11 security of the public requires sentencing under Chapter V of  
12 the Unified Code of Corrections; and (f) whether the minor  
13 possessed a deadly weapon when committing the offense. The  
14 rules of evidence shall be the same as if at trial. If after  
15 the hearing the court finds that the minor should be sentenced  
16 under Chapter V of the Unified Code of Corrections, then the  
17 court shall sentence the minor accordingly having available to  
18 it any or all dispositions so prescribed.

19 (4) (a) The definition of delinquent minor under Section  
20 5-120 of this Article shall not apply to any minor who at the  
21 time of an offense was at least 13 years of age and who is  
22 charged with first degree murder committed during the course of  
23 either aggravated criminal sexual assault, criminal sexual  
24 assault, or aggravated kidnaping. However, this subsection (4)  
25 does not include a minor charged with first degree murder based  
26 exclusively upon the accountability provisions of the Criminal

1 Code of 1961 or the Criminal Code of 2012.

2 (b) (i) If before trial or plea an information or  
3 indictment is filed that does not charge first degree murder  
4 committed during the course of aggravated criminal sexual  
5 assault, criminal sexual assault, or aggravated kidnaping, the  
6 State's Attorney may proceed on any lesser charge or charges,  
7 but only in Juvenile Court under the provisions of this  
8 Article. The State's Attorney may proceed under the criminal  
9 laws of this State on a lesser charge if before trial the minor  
10 defendant knowingly and with advice of counsel waives, in  
11 writing, his or her right to have the matter proceed in  
12 Juvenile Court.

13 (ii) If before trial or plea an information or indictment  
14 is filed that includes first degree murder committed during the  
15 course of aggravated criminal sexual assault, criminal sexual  
16 assault, or aggravated kidnaping, and additional charges that  
17 are not specified in paragraph (a) of this subsection, all of  
18 the charges arising out of the same incident shall be  
19 prosecuted under the criminal laws of this State.

20 (c) (i) If after trial or plea the minor is convicted of  
21 first degree murder committed during the course of aggravated  
22 criminal sexual assault, criminal sexual assault, or  
23 aggravated kidnaping, in sentencing the minor, the court shall  
24 have available any or all dispositions prescribed for that  
25 offense under Chapter V of the Unified Code of Corrections.

26 (ii) If the minor was not yet 15 years of age at the time of

1 the offense, and if after trial or plea the court finds that  
2 the minor committed an offense other than first degree murder  
3 committed during the course of either aggravated criminal  
4 sexual assault, criminal sexual assault, or aggravated  
5 kidnapping, the finding shall not invalidate the verdict or the  
6 prosecution of the minor under the criminal laws of the State;  
7 however, unless the State requests a hearing for the purpose of  
8 sentencing the minor under Chapter V of the Unified Code of  
9 Corrections, the Court must proceed under Sections 5-705 and  
10 5-710 of this Article. To request a hearing, the State must  
11 file a written motion within 10 days following the entry of a  
12 finding or the return of a verdict. Reasonable notice of the  
13 motion shall be given to the minor or his or her counsel. If  
14 the motion is made by the State, the court shall conduct a  
15 hearing to determine whether the minor should be sentenced  
16 under Chapter V of the Unified Code of Corrections. In making  
17 its determination, the court shall consider among other  
18 matters: (a) whether there is evidence that the offense was  
19 committed in an aggressive and premeditated manner; (b) the age  
20 of the minor; (c) the previous delinquent history of the minor;  
21 (d) whether there are facilities particularly available to the  
22 Juvenile Court or the Department of Juvenile Justice for the  
23 treatment and rehabilitation of the minor; (e) whether the best  
24 interest of the minor and the security of the public require  
25 sentencing under Chapter V of the Unified Code of Corrections;  
26 and (f) whether the minor possessed a deadly weapon when

1 committing the offense. The rules of evidence shall be the same  
2 as if at trial. If after the hearing the court finds that the  
3 minor should be sentenced under Chapter V of the Unified Code  
4 of Corrections, then the court shall sentence the minor  
5 accordingly having available to it any or all dispositions so  
6 prescribed.

7 (5) (a) The definition of delinquent minor under Section  
8 5-120 of this Article shall not apply to any minor who is  
9 charged with a violation of subsection (a) of Section 31-6 or  
10 Section 32-10 of the Criminal Code of 1961 or the Criminal Code  
11 of 2012 when the minor is subject to prosecution under the  
12 criminal laws of this State as a result of the application of  
13 the provisions of Section 5-125, or subsection (1) or (2) of  
14 this Section. These charges and all other charges arising out  
15 of the same incident shall be prosecuted under the criminal  
16 laws of this State.

17 (b) (i) If before trial or plea an information or  
18 indictment is filed that does not charge an offense specified  
19 in paragraph (a) of this subsection (5), the State's Attorney  
20 may proceed on any lesser charge or charges, but only in  
21 Juvenile Court under the provisions of this Article. The  
22 State's Attorney may proceed under the criminal laws of this  
23 State on a lesser charge if before trial the minor defendant  
24 knowingly and with advice of counsel waives, in writing, his or  
25 her right to have the matter proceed in Juvenile Court.

26 (ii) If before trial or plea an information or indictment

1 is filed that includes one or more charges specified in  
2 paragraph (a) of this subsection (5) and additional charges  
3 that are not specified in that paragraph, all of the charges  
4 arising out of the same incident shall be prosecuted under the  
5 criminal laws of this State.

6 (c) (i) If after trial or plea the minor is convicted of  
7 any offense covered by paragraph (a) of this subsection (5),  
8 then, in sentencing the minor, the court shall have available  
9 any or all dispositions prescribed for that offense under  
10 Chapter V of the Unified Code of Corrections.

11 (ii) If after trial or plea the court finds that the minor  
12 committed an offense not covered by paragraph (a) of this  
13 subsection (5), the conviction shall not invalidate the verdict  
14 or the prosecution of the minor under the criminal laws of this  
15 State; however, unless the State requests a hearing for the  
16 purpose of sentencing the minor under Chapter V of the Unified  
17 Code of Corrections, the Court must proceed under Sections  
18 5-705 and 5-710 of this Article. To request a hearing, the  
19 State must file a written motion within 10 days following the  
20 entry of a finding or the return of a verdict. Reasonable  
21 notice of the motion shall be given to the minor or his or her  
22 counsel. If the motion is made by the State, the court shall  
23 conduct a hearing to determine if whether the minor should be  
24 sentenced under Chapter V of the Unified Code of Corrections.  
25 In making its determination, the court shall consider among  
26 other matters: (a) whether there is evidence that the offense

1 was committed in an aggressive and premeditated manner; (b) the  
2 age of the minor; (c) the previous delinquent history of the  
3 minor; (d) whether there are facilities particularly available  
4 to the Juvenile Court or the Department of Juvenile Justice for  
5 the treatment and rehabilitation of the minor; (e) whether the  
6 security of the public requires sentencing under Chapter V of  
7 the Unified Code of Corrections; and (f) whether the minor  
8 possessed a deadly weapon when committing the offense. The  
9 rules of evidence shall be the same as if at trial. If after  
10 the hearing the court finds that the minor should be sentenced  
11 under Chapter V of the Unified Code of Corrections, then the  
12 court shall sentence the minor accordingly having available to  
13 it any or all dispositions so prescribed.

14 (6) The definition of delinquent minor under Section 5-120  
15 of this Article shall not apply to any minor who, pursuant to  
16 subsection (1) or (3) or Section 5-805 or 5-810, has previously  
17 been placed under the jurisdiction of the criminal court and  
18 has been convicted of a crime under an adult criminal or penal  
19 statute. Such a minor shall be subject to prosecution under the  
20 criminal laws of this State.

21 (7) The procedures set out in this Article for the  
22 investigation, arrest and prosecution of juvenile offenders  
23 shall not apply to minors who are excluded from jurisdiction of  
24 the Juvenile Court, except that minors under 17 years of age  
25 shall be kept separate from confined adults.

26 (8) Nothing in this Act prohibits or limits the prosecution

1 of any minor for an offense committed on or after his or her  
2 17th birthday even though he or she is at the time of the  
3 offense a ward of the court.

4 (9) If an original petition for adjudication of wardship  
5 alleges the commission by a minor 13 years of age or over of an  
6 act that constitutes a crime under the laws of this State, the  
7 minor, with the consent of his or her counsel, may, at any time  
8 before commencement of the adjudicatory hearing, file with the  
9 court a motion that criminal prosecution be ordered and that  
10 the petition be dismissed insofar as the act or acts involved  
11 in the criminal proceedings are concerned. If such a motion is  
12 filed as herein provided, the court shall enter its order  
13 accordingly.

14 (10) If, prior to August 12, 2005 (the effective date of  
15 Public Act 94-574), a minor is charged with a violation of  
16 Section 401 of the Illinois Controlled Substances Act under the  
17 criminal laws of this State, other than a minor charged with a  
18 Class X felony violation of the Illinois Controlled Substances  
19 Act or the Methamphetamine Control and Community Protection  
20 Act, any party including the minor or the court sua sponte may,  
21 before trial, move for a hearing for the purpose of trying and  
22 sentencing the minor as a delinquent minor. To request a  
23 hearing, the party must file a motion prior to trial.  
24 Reasonable notice of the motion shall be given to all parties.  
25 On its own motion or upon the filing of a motion by one of the  
26 parties including the minor, the court shall conduct a hearing

1 to determine whether the minor should be tried and sentenced as  
2 a delinquent minor under this Article. In making its  
3 determination, the court shall consider among other matters:

4 (a) The age of the minor;

5 (b) Any previous delinquent or criminal history of the  
6 minor;

7 (c) Any previous abuse or neglect history of the minor;

8 (d) Any mental health or educational history of the minor,  
9 or both; and

10 (e) Whether there is probable cause to support the charge,  
11 whether the minor is charged through accountability, and  
12 whether there is evidence the minor possessed a deadly weapon  
13 or caused serious bodily harm during the offense.

14 Any material that is relevant and reliable shall be  
15 admissible at the hearing. In all cases, the judge shall enter  
16 an order permitting prosecution under the criminal laws of  
17 Illinois unless the judge makes a finding based on a  
18 preponderance of the evidence that the minor would be amenable  
19 to the care, treatment, and training programs available through  
20 the facilities of the juvenile court based on an evaluation of  
21 the factors listed in this subsection (10).

22 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

23 (705 ILCS 405/5-407)

24 Sec. 5-407. Processing of juvenile in possession of a  
25 firearm.

1           (a) If a law enforcement officer detains a minor pursuant  
2 to Section 10-27.1A of the School Code, the officer shall  
3 deliver the minor to the nearest juvenile officer, in the  
4 manner prescribed by subsection (2) of Section 5-405 of this  
5 Act. The juvenile officer shall deliver the minor without  
6 unnecessary delay to the court or to the place designated by  
7 rule or order of court for the reception of minors. In no event  
8 shall the minor be eligible for any other disposition by the  
9 juvenile police officer, notwithstanding the provisions of  
10 subsection (3) of Section 5-405 of this Act.

11           (b) Minors not excluded from this Act's jurisdiction under  
12 subsection (3) (a) of Section 5-130 of this Act shall be brought  
13 before a judicial officer within 40 hours, exclusive of  
14 Saturdays, Sundays, and court-designated holidays, for a  
15 detention hearing to determine whether he or she shall be  
16 further held in custody. If the court finds that there is  
17 probable cause to believe that the minor is a delinquent minor  
18 by virtue of his or her violation of Section 24-0.1 or item (4)  
19 of subsection (a) of Section 24-1 of the Criminal Code of 1961  
20 or the Criminal Code of 2012 while on school grounds, that  
21 finding shall create a presumption that immediate and urgent  
22 necessity exists under subdivision (2) of Section 5-501 of this  
23 Act. Once the presumption of immediate and urgent necessity has  
24 been raised, the burden of demonstrating the lack of immediate  
25 and urgent necessity shall be on any party that is opposing  
26 detention for the minor. Should the court order detention

1 pursuant to this Section, the minor shall be detained, pending  
2 the results of a court-ordered psychological evaluation to  
3 determine if the minor is a risk to himself, herself, or  
4 others. Upon receipt of the psychological evaluation, the court  
5 shall review the determination regarding the existence of  
6 urgent and immediate necessity. The court shall consider the  
7 psychological evaluation in conjunction with the other factors  
8 identified in subdivision (2) of Section 5-501 of this Act in  
9 order to make a de novo determination regarding whether it is a  
10 matter of immediate and urgent necessity for the protection of  
11 the minor or of the person or property of another that the  
12 minor be detained or placed in a shelter care facility. In  
13 addition to the pre-trial conditions found in Section 5-505 of  
14 this Act, the court may order the minor to receive counseling  
15 and any other services recommended by the psychological  
16 evaluation as a condition for release of the minor.

17 (c) Upon making a determination that the student presents a  
18 risk to himself, herself, or others, the court shall issue an  
19 order restraining the student from entering the property of the  
20 school if he or she has been suspended or expelled from the  
21 school as a result of possessing a firearm. The order shall  
22 restrain the student from entering the school and school owned  
23 or leased property, including any conveyance owned, leased, or  
24 contracted by the school to transport students to or from  
25 school or a school-related activity. The order shall remain in  
26 effect until such time as the court determines that the student

1 no longer presents a risk to himself, herself, or others.

2 (d) Psychological evaluations ordered pursuant to  
3 subsection (b) of this Section and statements made by the minor  
4 during the course of these evaluations, shall not be admissible  
5 on the issue of delinquency during the course of any  
6 adjudicatory hearing held under this Act.

7 (e) In this Section:

8 "School" means any public or private elementary or  
9 secondary school.

10 "School grounds" includes the real property comprising any  
11 school, any conveyance owned, leased, or contracted by a school  
12 to transport students to or from school or a school-related  
13 activity, or any public way within 1,000 feet of the real  
14 property comprising any school.

15 (Source: P.A. 97-1150, eff. 1-25-13.)

16 (705 ILCS 405/5-901)

17 Sec. 5-901. Court file.

18 (1) The Court file with respect to proceedings under this  
19 Article shall consist of the petitions, pleadings, victim  
20 impact statements, process, service of process, orders, writs  
21 and docket entries reflecting hearings held and judgments and  
22 decrees entered by the court. The court file shall be kept  
23 separate from other records of the court.

24 (a) The file, including information identifying the  
25 victim or alleged victim of any sex offense, shall be

1 disclosed only to the following parties when necessary for  
2 discharge of their official duties:

3 (i) A judge of the circuit court and members of the  
4 staff of the court designated by the judge;

5 (ii) Parties to the proceedings and their  
6 attorneys;

7 (iii) Victims and their attorneys, except in cases  
8 of multiple victims of sex offenses in which case the  
9 information identifying the nonrequesting victims  
10 shall be redacted;

11 (iv) Probation officers, law enforcement officers  
12 or prosecutors or their staff;

13 (v) Adult and juvenile Prisoner Review Boards.

14 (b) The Court file redacted to remove any information  
15 identifying the victim or alleged victim of any sex offense  
16 shall be disclosed only to the following parties when  
17 necessary for discharge of their official duties:

18 (i) Authorized military personnel;

19 (ii) Persons engaged in bona fide research, with  
20 the permission of the judge of the juvenile court and  
21 the chief executive of the agency that prepared the  
22 particular recording: provided that publication of  
23 such research results in no disclosure of a minor's  
24 identity and protects the confidentiality of the  
25 record;

26 (iii) The Secretary of State to whom the Clerk of

1 the Court shall report the disposition of all cases, as  
2 required in Section 6-204 or Section 6-205.1 of the  
3 Illinois Vehicle Code. However, information reported  
4 relative to these offenses shall be privileged and  
5 available only to the Secretary of State, courts, and  
6 police officers;

7 (iv) The administrator of a bonafide substance  
8 abuse student assistance program with the permission  
9 of the presiding judge of the juvenile court;

10 (v) Any individual, or any public or private agency  
11 or institution, having custody of the juvenile under  
12 court order or providing educational, medical or  
13 mental health services to the juvenile or a  
14 court-approved advocate for the juvenile or any  
15 placement provider or potential placement provider as  
16 determined by the court.

17 (3) A minor who is the victim or alleged victim in a  
18 juvenile proceeding shall be provided the same confidentiality  
19 regarding disclosure of identity as the minor who is the  
20 subject of record. Information identifying victims and alleged  
21 victims of sex offenses, shall not be disclosed or open to  
22 public inspection under any circumstances. Nothing in this  
23 Section shall prohibit the victim or alleged victim of any sex  
24 offense from voluntarily disclosing his or her identity.

25 (4) Relevant information, reports and records shall be made  
26 available to the Department of Juvenile Justice when a juvenile

1 offender has been placed in the custody of the Department of  
2 Juvenile Justice.

3 (5) Except as otherwise provided in this subsection (5),  
4 juvenile court records shall not be made available to the  
5 general public but may be inspected by representatives of  
6 agencies, associations and news media or other properly  
7 interested persons by general or special order of the court.  
8 The State's Attorney, the minor, his or her parents, guardian  
9 and counsel shall at all times have the right to examine court  
10 files and records.

11 (a) The court shall allow the general public to have  
12 access to the name, address, and offense of a minor who is  
13 adjudicated a delinquent minor under this Act under either  
14 of the following circumstances:

15 (i) The adjudication of delinquency was based upon  
16 the minor's commission of first degree murder, attempt  
17 to commit first degree murder, aggravated criminal  
18 sexual assault, or criminal sexual assault; or

19 (ii) The court has made a finding that the minor  
20 was at least 13 years of age at the time the act was  
21 committed and the adjudication of delinquency was  
22 based upon the minor's commission of: (A) an act in  
23 furtherance of the commission of a felony as a member  
24 of or on behalf of a criminal street gang, (B) an act  
25 involving the use of a firearm in the commission of a  
26 felony, (C) an act that would be a Class X felony

1 offense under or the minor's second or subsequent Class  
2 2 or greater felony offense under the Cannabis Control  
3 Act if committed by an adult, (D) an act that would be  
4 a second or subsequent offense under Section 402 of the  
5 Illinois Controlled Substances Act if committed by an  
6 adult, (E) an act that would be an offense under  
7 Section 401 of the Illinois Controlled Substances Act  
8 if committed by an adult, or (F) an act that would be  
9 an offense under the Methamphetamine Control and  
10 Community Protection Act if committed by an adult.

11 (b) The court shall allow the general public to have  
12 access to the name, address, and offense of a minor who is  
13 at least 13 years of age at the time the offense is  
14 committed and who is convicted, in criminal proceedings  
15 permitted or required under Section 5-805, under either of  
16 the following circumstances:

17 (i) The minor has been convicted of first degree  
18 murder, attempt to commit first degree murder,  
19 aggravated criminal sexual assault, or criminal sexual  
20 assault,

21 (ii) The court has made a finding that the minor  
22 was at least 13 years of age at the time the offense  
23 was committed and the conviction was based upon the  
24 minor's commission of: (A) an offense in furtherance of  
25 the commission of a felony as a member of or on behalf  
26 of a criminal street gang, (B) an offense involving the

1 use of a firearm in the commission of a felony, (C) a  
2 Class X felony offense under the Cannabis Control Act  
3 or a second or subsequent Class 2 or greater felony  
4 offense under the Cannabis Control Act, (D) a second or  
5 subsequent offense under Section 402 of the Illinois  
6 Controlled Substances Act, (E) an offense under  
7 Section 401 of the Illinois Controlled Substances Act,  
8 or (F) an offense under the Methamphetamine Control and  
9 Community Protection Act.

10 (6) Nothing in this Section shall be construed to limit the  
11 use of a adjudication of delinquency as evidence in any  
12 juvenile or criminal proceeding, where it would otherwise be  
13 admissible under the rules of evidence, including but not  
14 limited to, use as impeachment evidence against any witness,  
15 including the minor if he or she testifies.

16 (7) Nothing in this Section shall affect the right of a  
17 Civil Service Commission or appointing authority examining the  
18 character and fitness of an applicant for a position as a law  
19 enforcement officer to ascertain whether that applicant was  
20 ever adjudicated to be a delinquent minor and, if so, to  
21 examine the records or evidence which were made in proceedings  
22 under this Act.

23 (8) Following any adjudication of delinquency for a crime  
24 which would be a felony if committed by an adult, or following  
25 any adjudication of delinquency for a violation of Section  
26 24-0.1, 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of

1 1961 or the Criminal Code of 2012, the State's Attorney shall  
2 ascertain whether the minor respondent is enrolled in school  
3 and, if so, shall provide a copy of the sentencing order to the  
4 principal or chief administrative officer of the school. Access  
5 to such juvenile records shall be limited to the principal or  
6 chief administrative officer of the school and any guidance  
7 counselor designated by him or her.

8 (9) Nothing contained in this Act prevents the sharing or  
9 disclosure of information or records relating or pertaining to  
10 juveniles subject to the provisions of the Serious Habitual  
11 Offender Comprehensive Action Program when that information is  
12 used to assist in the early identification and treatment of  
13 habitual juvenile offenders.

14 (11) The Clerk of the Circuit Court shall report to the  
15 Department of State Police, in the form and manner required by  
16 the Department of State Police, the final disposition of each  
17 minor who has been arrested or taken into custody before his or  
18 her 17th birthday for those offenses required to be reported  
19 under Section 5 of the Criminal Identification Act. Information  
20 reported to the Department under this Section may be maintained  
21 with records that the Department files under Section 2.1 of the  
22 Criminal Identification Act.

23 (12) Information or records may be disclosed to the general  
24 public when the court is conducting hearings under Section  
25 5-805 or 5-810.

26 (Source: P.A. 97-1150, eff. 1-25-13.)

1 Section 105. The Criminal Code of 2012 is amended by  
2 changing Sections 2-7.1, 2-7.5, 12-3.05, 17-30, 24-1, 24-1.1,  
3 24-1.6, 24-1.8, 24-2, 24-3, 24-3.2, 24-3.4, 24-3.5, and 24-9  
4 and adding Sections 24-0.1 and 24-4.5 as follows:

5 (720 ILCS 5/2-7.1)

6 Sec. 2-7.1. "Firearm" ~~"Firearm"~~ and ~~"firearm"~~ ammunition".  
7 "Firearm" ~~"Firearm"~~ and ~~"firearm"~~ ammunition" means any  
8 self-contained cartridge or shotgun shell, by whatever name  
9 known, which is designed to be used or adaptable to use in a  
10 firearm; excluding, however:

11 (1) any ammunition exclusively designed for use with a  
12 device used exclusively for signalling or safety and required  
13 or recommended by the United States Coast Guard or the  
14 Interstate Commerce Commission; and

15 (2) any ammunition designed exclusively for use with a stud  
16 or rivet driver or other similar industrial ammunition ~~have the~~  
17 ~~meanings ascribed to them in Section 1.1 of the Firearm Owners~~  
18 ~~Identification Card Act.~~

19 (Source: P.A. 91-544, eff. 1-1-00.)

20 (720 ILCS 5/2-7.5)

21 Sec. 2-7.5. "Firearm". Except as otherwise provided in a  
22 specific Section, "firearm" means any device, by whatever name  
23 known, which is designed to expel a projectile or projectiles

1 by the action of an explosion, expansion of gas or escape of  
2 gas; excluding, however:

3 (1) any pneumatic gun, spring gun, paint ball gun, or B-B  
4 gun which either expels a single globular projectile not  
5 exceeding .18 inch in diameter and which has a maximum muzzle  
6 velocity of less than 700 feet per second or breakable paint  
7 balls containing washable marking colors;

8 (2) any device used exclusively for signalling or safety  
9 and required or recommended by the United States Coast Guard or  
10 the Interstate Commerce Commission;

11 (3) any device used exclusively for the firing of stud  
12 cartridges, explosive rivets, or similar industrial  
13 ammunition; and

14 (4) an antique firearm (other than a machine-gun) which,  
15 although designed as a weapon, the Department of State Police  
16 finds by reason of the date of its manufacture, value, design,  
17 and other characteristics is primarily a collector's item and  
18 is not likely to be used as a weapon ~~has the meaning ascribed~~  
19 ~~to it in Section 1.1 of the Firearm Owners Identification Card~~  
20 ~~Act.~~

21 (Source: P.A. 95-331, eff. 8-21-07.)

22 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

23 Sec. 12-3.05. Aggravated battery.

24 (a) Offense based on injury. A person commits aggravated  
25 battery when, in committing a battery, other than by the

1 discharge of a firearm, he or she knowingly does any of the  
2 following:

3 (1) Causes great bodily harm or permanent disability or  
4 disfigurement.

5 (2) Causes severe and permanent disability, great  
6 bodily harm, or disfigurement by means of a caustic or  
7 flammable substance, a poisonous gas, a deadly biological  
8 or chemical contaminant or agent, a radioactive substance,  
9 or a bomb or explosive compound.

10 (3) Causes great bodily harm or permanent disability or  
11 disfigurement to an individual whom the person knows to be  
12 a peace officer, community policing volunteer, fireman,  
13 private security officer, correctional institution  
14 employee, or Department of Human Services employee  
15 supervising or controlling sexually dangerous persons or  
16 sexually violent persons:

17 (i) performing his or her official duties;

18 (ii) battered to prevent performance of his or her  
19 official duties; or

20 (iii) battered in retaliation for performing his  
21 or her official duties.

22 (4) Causes great bodily harm or permanent disability or  
23 disfigurement to an individual 60 years of age or older.

24 (5) Strangles another individual.

25 (b) Offense based on injury to a child or intellectually  
26 disabled person. A person who is at least 18 years of age

1 commits aggravated battery when, in committing a battery, he or  
2 she knowingly and without legal justification by any means:

3 (1) causes great bodily harm or permanent disability or  
4 disfigurement to any child under the age of 13 years, or to  
5 any severely or profoundly intellectually disabled person;  
6 or

7 (2) causes bodily harm or disability or disfigurement  
8 to any child under the age of 13 years or to any severely  
9 or profoundly intellectually disabled person.

10 (c) Offense based on location of conduct. A person commits  
11 aggravated battery when, in committing a battery, other than by  
12 the discharge of a firearm, he or she is or the person battered  
13 is on or about a public way, public property, a public place of  
14 accommodation or amusement, a sports venue, or a domestic  
15 violence shelter.

16 (d) Offense based on status of victim. A person commits  
17 aggravated battery when, in committing a battery, other than by  
18 discharge of a firearm, he or she knows the individual battered  
19 to be any of the following:

20 (1) A person 60 years of age or older.

21 (2) A person who is pregnant or physically handicapped.

22 (3) A teacher or school employee upon school grounds or  
23 grounds adjacent to a school or in any part of a building  
24 used for school purposes.

25 (4) A peace officer, community policing volunteer,  
26 fireman, private security officer, correctional

1 institution employee, or Department of Human Services  
2 employee supervising or controlling sexually dangerous  
3 persons or sexually violent persons:

4 (i) performing his or her official duties;

5 (ii) battered to prevent performance of his or her  
6 official duties; or

7 (iii) battered in retaliation for performing his  
8 or her official duties.

9 (5) A judge, emergency management worker, emergency  
10 medical technician, or utility worker:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her  
13 official duties; or

14 (iii) battered in retaliation for performing his  
15 or her official duties.

16 (6) An officer or employee of the State of Illinois, a  
17 unit of local government, or a school district, while  
18 performing his or her official duties.

19 (7) A transit employee performing his or her official  
20 duties, or a transit passenger.

21 (8) A taxi driver on duty.

22 (9) A merchant who detains the person for an alleged  
23 commission of retail theft under Section 16-26 of this Code  
24 and the person without legal justification by any means  
25 causes bodily harm to the merchant.

26 (10) A person authorized to serve process under Section

1           2-202 of the Code of Civil Procedure or a special process  
2           server appointed by the circuit court while that individual  
3           is in the performance of his or her duties as a process  
4           server.

5           (e) Offense based on use of a firearm. A person commits  
6           aggravated battery when, in committing a battery, he or she  
7           knowingly does any of the following:

8                   (1) Discharges a firearm, other than a machine gun or a  
9                   firearm equipped with a silencer, and causes any injury to  
10                  another person.

11                  (2) Discharges a firearm, other than a machine gun or a  
12                  firearm equipped with a silencer, and causes any injury to  
13                  a person he or she knows to be a peace officer, community  
14                  policing volunteer, person summoned by a police officer,  
15                  fireman, private security officer, correctional  
16                  institution employee, or emergency management worker:

17                           (i) performing his or her official duties;

18                           (ii) battered to prevent performance of his or her  
19                          official duties; or

20                           (iii) battered in retaliation for performing his  
21                          or her official duties.

22                  (3) Discharges a firearm, other than a machine gun or a  
23                  firearm equipped with a silencer, and causes any injury to  
24                  a person he or she knows to be an emergency medical  
25                  technician employed by a municipality or other  
26                  governmental unit:

- 1 (i) performing his or her official duties;  
2 (ii) battered to prevent performance of his or her  
3 official duties; or  
4 (iii) battered in retaliation for performing his  
5 or her official duties.

6 (4) Discharges a firearm and causes any injury to a  
7 person he or she knows to be a teacher, a student in a  
8 school, or a school employee, and the teacher, student, or  
9 employee is upon school grounds or grounds adjacent to a  
10 school or in any part of a building used for school  
11 purposes.

12 (5) Discharges a machine gun or a firearm equipped with  
13 a silencer, and causes any injury to another person.

14 (6) Discharges a machine gun or a firearm equipped with  
15 a silencer, and causes any injury to a person he or she  
16 knows to be a peace officer, community policing volunteer,  
17 person summoned by a police officer, fireman, private  
18 security officer, correctional institution employee or  
19 emergency management worker:

- 20 (i) performing his or her official duties;  
21 (ii) battered to prevent performance of his or her  
22 official duties; or  
23 (iii) battered in retaliation for performing his  
24 or her official duties.

25 (7) Discharges a machine gun or a firearm equipped with  
26 a silencer, and causes any injury to a person he or she

1 knows to be an emergency medical technician employed by a  
2 municipality or other governmental unit:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her  
5 official duties; or

6 (iii) battered in retaliation for performing his  
7 or her official duties.

8 (8) Discharges a machine gun or a firearm equipped with  
9 a silencer, and causes any injury to a person he or she  
10 knows to be a teacher, or a student in a school, or a  
11 school employee, and the teacher, student, or employee is  
12 upon school grounds or grounds adjacent to a school or in  
13 any part of a building used for school purposes.

14 (f) Offense based on use of a weapon or device. A person  
15 commits aggravated battery when, in committing a battery, he or  
16 she does any of the following:

17 (1) Uses a deadly weapon other than by discharge of a  
18 firearm, or uses an air rifle as defined in Section  
19 24.8-0.1 of this Code ~~the Air Rifle Act~~.

20 (2) Wears a hood, robe, or mask to conceal his or her  
21 identity.

22 (3) Knowingly and without lawful justification shines  
23 or flashes a laser gunsight or other laser device attached  
24 to a firearm, or used in concert with a firearm, so that  
25 the laser beam strikes upon or against the person of  
26 another.

1 (g) Offense based on certain conduct. A person commits  
2 aggravated battery when, other than by discharge of a firearm,  
3 he or she does any of the following:

4 (1) Violates Section 401 of the Illinois Controlled  
5 Substances Act by unlawfully delivering a controlled  
6 substance to another and any user experiences great bodily  
7 harm or permanent disability as a result of the injection,  
8 inhalation, or ingestion of any amount of the controlled  
9 substance.

10 (2) Knowingly administers to an individual or causes  
11 him or her to take, without his or her consent or by threat  
12 or deception, and for other than medical purposes, any  
13 intoxicating, poisonous, stupefying, narcotic, anesthetic,  
14 or controlled substance, or gives to another person any  
15 food containing any substance or object intended to cause  
16 physical injury if eaten.

17 (3) Knowingly causes or attempts to cause a  
18 correctional institution employee or Department of Human  
19 Services employee to come into contact with blood, seminal  
20 fluid, urine, or feces by throwing, tossing, or expelling  
21 the fluid or material, and the person is an inmate of a  
22 penal institution or is a sexually dangerous person or  
23 sexually violent person in the custody of the Department of  
24 Human Services.

25 (h) Sentence. Unless otherwise provided, aggravated  
26 battery is a Class 3 felony.

1           Aggravated battery as defined in subdivision (a)(4),  
2           (d)(4), or (g)(3) is a Class 2 felony.

3           Aggravated battery as defined in subdivision (a)(3) or  
4           (g)(1) is a Class 1 felony.

5           Aggravated battery as defined in subdivision (a)(1) is a  
6           Class 1 felony when the aggravated battery was intentional and  
7           involved the infliction of torture, as defined in paragraph  
8           (14) of subsection (b) of Section 9-1 of this Code, as the  
9           infliction of or subjection to extreme physical pain, motivated  
10          by an intent to increase or prolong the pain, suffering, or  
11          agony of the victim.

12          Aggravated battery under subdivision (a)(5) is a Class 1  
13          felony if:

14                (A) the person used or attempted to use a dangerous  
15                instrument while committing the offense; or

16                (B) the person caused great bodily harm or permanent  
17                disability or disfigurement to the other person while  
18                committing the offense; or

19                (C) the person has been previously convicted of a  
20                violation of subdivision (a)(5) under the laws of this  
21                State or laws similar to subdivision (a)(5) of any other  
22                state.

23          Aggravated battery as defined in subdivision (e)(1) is a  
24          Class X felony.

25          Aggravated battery as defined in subdivision (a)(2) is a  
26          Class X felony for which a person shall be sentenced to a term

1 of imprisonment of a minimum of 6 years and a maximum of 45  
2 years.

3 Aggravated battery as defined in subdivision (e)(5) is a  
4 Class X felony for which a person shall be sentenced to a term  
5 of imprisonment of a minimum of 12 years and a maximum of 45  
6 years.

7 Aggravated battery as defined in subdivision (e)(2),  
8 (e)(3), or (e)(4) is a Class X felony for which a person shall  
9 be sentenced to a term of imprisonment of a minimum of 15 years  
10 and a maximum of 60 years.

11 Aggravated battery as defined in subdivision (e)(6),  
12 (e)(7), or (e)(8) is a Class X felony for which a person shall  
13 be sentenced to a term of imprisonment of a minimum of 20 years  
14 and a maximum of 60 years.

15 Aggravated battery as defined in subdivision (b)(1) is a  
16 Class X felony, except that:

17 (1) if the person committed the offense while armed  
18 with a firearm, 15 years shall be added to the term of  
19 imprisonment imposed by the court;

20 (2) if, during the commission of the offense, the  
21 person personally discharged a firearm, 20 years shall be  
22 added to the term of imprisonment imposed by the court;

23 (3) if, during the commission of the offense, the  
24 person personally discharged a firearm that proximately  
25 caused great bodily harm, permanent disability, permanent  
26 disfigurement, or death to another person, 25 years or up

1 to a term of natural life shall be added to the term of  
2 imprisonment imposed by the court.

3 (i) Definitions. For the purposes of this Section:

4 "Building or other structure used to provide shelter" has  
5 the meaning ascribed to "shelter" in Section 1 of the Domestic  
6 Violence Shelters Act.

7 "Domestic violence" has the meaning ascribed to it in  
8 Section 103 of the Illinois Domestic Violence Act of 1986.

9 "Domestic violence shelter" means any building or other  
10 structure used to provide shelter or other services to victims  
11 or to the dependent children of victims of domestic violence  
12 pursuant to the Illinois Domestic Violence Act of 1986 or the  
13 Domestic Violence Shelters Act, or any place within 500 feet of  
14 such a building or other structure in the case of a person who  
15 is going to or from such a building or other structure.

16 "Firearm" has the meaning provided under Section 2-7.5 of  
17 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~  
18 and does not include an air rifle as defined by Section  
19 24.8-0.1 of this Code ~~1 of the Air Rifle Act.~~

20 "Machine gun" has the meaning ascribed to it in Section  
21 24-1 of this Code.

22 "Merchant" has the meaning ascribed to it in Section 16-0.1  
23 of this Code.

24 "Strangle" means intentionally impeding the normal  
25 breathing or circulation of the blood of an individual by  
26 applying pressure on the throat or neck of that individual or

1 by blocking the nose or mouth of that individual.

2 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;  
3 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.  
4 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,  
5 and 97-467, eff. 1-1-12; 97-1109, eff. 1-1-13.)

6 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

7 Sec. 17-30. Defaced, altered, or removed manufacturer or  
8 owner identification number.

9 (a) Unlawful sale of household appliances. A person commits  
10 unlawful sale of household appliances when he or she knowingly,  
11 with the intent to defraud or deceive another, keeps for sale,  
12 within any commercial context, any household appliance with a  
13 missing, defaced, obliterated, or otherwise altered  
14 manufacturer's identification number.

15 (b) Construction equipment identification defacement. A  
16 person commits construction equipment identification  
17 defacement when he or she knowingly changes, alters, removes,  
18 mutilates, or obliterates a permanently affixed serial number,  
19 product identification number, part number, component  
20 identification number, owner-applied identification, or other  
21 mark of identification attached to or stamped, inscribed,  
22 molded, or etched into a machine or other equipment, whether  
23 stationary or mobile or self-propelled, or a part of such  
24 machine or equipment, used in the construction, maintenance, or  
25 demolition of buildings, structures, bridges, tunnels, sewers,

1 utility pipes or lines, ditches or open cuts, roads, highways,  
2 dams, airports, or waterways or in material handling for such  
3 projects.

4 The trier of fact may infer that the defendant has  
5 knowingly changed, altered, removed, or obliterated the serial  
6 number, product identification number, part number, component  
7 identification number, owner-applied identification number, or  
8 other mark of identification, if the defendant was in  
9 possession of any machine or other equipment or a part of such  
10 machine or equipment used in the construction, maintenance, or  
11 demolition of buildings, structures, bridges, tunnels, sewers,  
12 utility pipes or lines, ditches or open cuts, roads, highways,  
13 dams, airports, or waterways or in material handling for such  
14 projects upon which any such serial number, product  
15 identification number, part number, component identification  
16 number, owner-applied identification number, or other mark of  
17 identification has been changed, altered, removed, or  
18 obliterated.

19 (c) Defacement of manufacturer's serial number or  
20 identification mark. A person commits defacement of a  
21 manufacturer's serial number or identification mark when he or  
22 she knowingly removes, alters, defaces, covers, or destroys the  
23 manufacturer's serial number or any other manufacturer's  
24 number or distinguishing identification mark upon any machine  
25 or other article of merchandise, other than a motor vehicle as  
26 defined in Section 1-146 of the Illinois Vehicle Code or a

1 firearm as defined in Section 2-7.5 of this Code ~~the Firearm~~  
2 ~~Owners Identification Card Act~~, with the intent of concealing  
3 or destroying the identity of such machine or other article of  
4 merchandise.

5 (d) Sentence.

6 (1) A violation of subsection (a) of this Section is a  
7 Class 4 felony if the value of the appliance or appliances  
8 exceeds \$1,000 and a Class B misdemeanor if the value of  
9 the appliance or appliances is \$1,000 or less.

10 (2) A violation of subsection (b) of this Section is a  
11 Class A misdemeanor.

12 (3) A violation of subsection (c) of this Section is a  
13 Class B misdemeanor.

14 (e) No liability shall be imposed upon any person for the  
15 unintentional failure to comply with subsection (a).

16 (f) Definitions. In this Section:

17 "Commercial context" means a continuing business  
18 enterprise conducted for profit by any person whose primary  
19 business is the wholesale or retail marketing of household  
20 appliances, or a significant portion of whose business or  
21 inventory consists of household appliances kept or sold on a  
22 wholesale or retail basis.

23 "Household appliance" means any gas or electric device or  
24 machine marketed for use as home entertainment or for  
25 facilitating or expediting household tasks or chores. The term  
26 shall include but not necessarily be limited to refrigerators,

1 freezers, ranges, radios, television sets, vacuum cleaners,  
2 toasters, dishwashers, and other similar household items.

3 "Manufacturer's identification number" means any serial  
4 number or other similar numerical or alphabetical designation  
5 imprinted upon or attached to or placed, stamped, or otherwise  
6 imprinted upon or attached to a household appliance or item by  
7 the manufacturer for purposes of identifying a particular  
8 appliance or item individually or by lot number.

9 (Source: P.A. 96-1551, eff. 7-1-11.)

10 (720 ILCS 5/24-0.1 new)

11 Sec. 24-0.1. Possession and carry of a firearm and firearm  
12 ammunition; unlawful possession and carry of a firearm and  
13 firearm ammunition; exceptions; penalty; preemption.

14 (a) A person may possess and carry on his or her person,  
15 openly or concealed, any firearm and firearm ammunition, except  
16 as otherwise provided in Section 24-1.6 of this Code or a  
17 person who:

18 (1) is under 21 years of age, unless he or she is at  
19 least 18 years of age and is a member or honorably  
20 discharged veteran of the United States Armed Forces,  
21 including the Reserves or the National Guard;

22 (2) has been convicted in any court of a crime  
23 punishable by imprisonment for a term exceeding one year;

24 (3) has been convicted in any court of a misdemeanor  
25 crime of domestic violence, including but not limited to

1 domestic battery or a substantially similar offense in  
2 another jurisdiction;

3 (4) is under 21 years of age and he or she has been  
4 convicted of a misdemeanor other than a traffic offense or  
5 adjudged delinquent;

6 (5) is a fugitive from justice;

7 (6) is an unlawful user of or addicted to any  
8 controlled substance;

9 (7) has been adjudicated as a mental defective or who  
10 has been committed to a mental institution;

11 (8) is intellectually disabled;

12 (9) is an alien illegally or unlawfully in the United  
13 States, or has been admitted to the United States under a  
14 nonimmigrant visa as that term is defined in Section  
15 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
16 1101 (a) (26)) except any alien lawfully admitted to the  
17 United States under a nonimmigrant visa, if that alien is:

18 (A) admitted to the United States for lawful  
19 hunting or sporting purposes or is in possession of a  
20 hunting license or permit lawfully issued in the United  
21 States;

22 (B) an official representative of a foreign  
23 government who is accredited to the United States  
24 Government or the Government's mission to an  
25 international organization having its headquarters in  
26 the United States, or en route to or from another

1 country to which that alien is accredited;

2 (C) an official of a foreign government or a  
3 distinguished foreign visitor who has been so  
4 designated by the Department of State; or

5 (D) a foreign law enforcement officer of a friendly  
6 foreign government entering the United States on  
7 official law enforcement business;

8 (10) having been a citizen of the United States, has  
9 renounced his or her citizenship;

10 (11) has been discharged from the Armed Forces,  
11 including Reserves and the National Guard, under  
12 dishonorable conditions;

13 (12) is subject to a court order that:

14 (A) was issued after a hearing of which the person  
15 received actual notice, and at which the person had an  
16 opportunity to participate;

17 (B) restrains the person from harassing, stalking,  
18 or threatening an intimate partner of that person or  
19 child of the intimate partner or person, or engaging in  
20 other conduct that would place an intimate partner in  
21 reasonable fear of bodily injury to the partner or  
22 child; and

23 (C) includes a finding that the person represents a  
24 credible threat to the physical safety of the intimate  
25 partner or child; or by its terms explicitly prohibits  
26 the use, attempted use, or threatened use of physical

1           force against the intimate partner or child that would  
2           reasonably be expected to cause bodily injury.

3           (b) An owner or lessee of private property, private  
4           business enterprise, business, or commercial business; or any  
5           other private organization, entity, or person, may prohibit a  
6           person from possessing or carrying a firearm on or within  
7           premises under its control, if the owner or lessee  
8           conspicuously posts at each entrance to the premises notice in  
9           a type face easily read by persons entering the premises that  
10           the possession and carrying of firearms is prohibited. This  
11           prohibition does not apply to a parking area on the premises  
12           where persons may park their motor vehicle. This prohibition  
13           does not apply to a public way or sidewalk through the  
14           premises.

15           (c) Nothing in paragraph (1) of subsection (a) of this  
16           Section prohibits a person:

17           (1) under 18 years of age from participating in any  
18           lawful recreational activity with a firearm such as, but  
19           not limited to, practice shooting at targets upon  
20           established public or private target ranges or hunting,  
21           trapping, or fishing in accordance with the Wildlife Code  
22           or the Fish and Aquatic Life Code;

23           (2) under 21 years of age when on his or her land or in  
24           his or her own abode, legal dwelling, or fixed place of  
25           business, or on the land or in the legal dwelling of  
26           another person as an invitee with that person's permission;

1           (3) from transporting a firearm that is broken down in  
2           a non-functioning state, not immediately accessible; or  
3           unloaded and enclosed in a case, firearm carrying box,  
4           shipping box, or other container;

5           (4) enrolled in a public or private elementary or  
6           secondary school, community college, college, or  
7           university who is carrying or possessing a firearm for use  
8           in a training course, parade, hunting, target shooting on a  
9           school range, or otherwise with the consent of school  
10           authorities and the firearm is transported unloaded and  
11           enclosed in a suitable case, box, or transportation  
12           package; or

13           (5) an athlete's possession, transport on official  
14           Olympic and Paralympic transit systems established for  
15           athletes, or use of competition firearms sanctioned by the  
16           International Olympic Committee, the International  
17           Paralympic Committee, the International Shooting Sport  
18           Federation, or USA Shooting in connection with the  
19           athlete's training for and participation in shooting  
20           competitions at the 2016 Olympic and Paralympic Games and  
21           sanctioned test events leading up to the 2016 Olympic and  
22           Paralympic Games.

23           (d) A person commits unlawful possession or carrying of a  
24           firearm or firearm ammunition when he or she possesses or  
25           carries a firearm or firearm ammunition while prohibited from  
26           carrying or possessing a firearm or firearm ammunition under

1 this Section.

2 (e) Sentence. Unlawful possession or carrying of a firearm  
3 or firearm ammunition is a Class A misdemeanor, unless  
4 committed in any school, regardless of the time of day or the  
5 time of year, in residential property owned, operated, or  
6 managed by a public housing agency or leased by a public  
7 housing agency as part of a scattered site or mixed-income  
8 development, in a public park, in a courthouse, on the real  
9 property comprising any school, regardless of the time of day  
10 or the time of year, on residential property owned, operated,  
11 or managed by a public housing agency or leased by a public  
12 housing agency as part of a scattered site or mixed-income  
13 development, on the real property comprising any public park,  
14 on the real property comprising any courthouse, in any  
15 conveyance owned, leased, or contracted by a school to  
16 transport students to or from school or a school related  
17 activity, in any conveyance owned, leased, or contracted by a  
18 public transportation agency, or on any public way within 1,000  
19 feet of the real property comprising any school, public park,  
20 courthouse, public transportation facility, or residential  
21 property owned, operated, or managed by a public housing agency  
22 or leased by a public housing agency as part of a scattered  
23 site or mixed-income development which is a Class 3 felony.

24 (f) For the purposes of subsection (e):

25 "Public transportation agency" means a public or  
26 private agency that provides for the transportation or

1 conveyance of persons by means available to the general  
2 public, except for transportation by automobiles not used  
3 for conveyance of the general public as passengers.

4 "Public transportation facility" means a terminal or  
5 other place where one may obtain public transportation.

6 "School" means any public or private elementary or  
7 secondary school, community college, college, or  
8 university.

9 (g) It is unlawful for any unit of local government,  
10 including a home rule unit of government, to regulate the  
11 possession or carrying of firearms and firearm ammunition. It  
12 is declared to be the policy of this State that the regulation  
13 of the possession or carrying of firearms and firearm  
14 ammunition is an exclusive power and function of the State. A  
15 home rule unit may not regulate the possession or carrying of  
16 firearms and firearm ammunition. This Section is a denial and  
17 limitation of home rule powers and functions under subsection  
18 (h) of Section 6 of Article VII of the Illinois Constitution.

19 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

20 Sec. 24-1. Unlawful Use of Weapons.

21 (a) A person commits the offense of unlawful use of weapons  
22 when he knowingly:

23 (1) Sells, manufactures, purchases, possesses or  
24 carries any bludgeon, black-jack, slung-shot, sand-club,  
25 sand-bag, metal knuckles or other knuckle weapon

1           regardless of its composition, throwing star, or any knife,  
2           commonly referred to as a switchblade knife, which has a  
3           blade that opens automatically by hand pressure applied to  
4           a button, spring or other device in the handle of the  
5           knife, or a ballistic knife, which is a device that propels  
6           a knifelike blade as a projectile by means of a coil  
7           spring, elastic material or compressed gas; or

8           (2) Carries or possesses with intent to use the same  
9           unlawfully against another, a dagger, dirk, billy,  
10          dangerous knife, razor, stiletto, broken bottle or other  
11          piece of glass, stun gun or taser or any other dangerous or  
12          deadly weapon or instrument of like character; or

13          (3) Carries on or about his person or in any vehicle, a  
14          tear gas gun projector or bomb or any object containing  
15          noxious liquid gas or substance, other than an object  
16          containing a non-lethal noxious liquid gas or substance  
17          designed solely for personal defense carried by a person 18  
18          years of age or older; or

19          (4) Carries or possesses in any vehicle or concealed on  
20          or about his or her person except when on his or her land  
21          or in his or her own abode, legal dwelling, or fixed place  
22          of business, or on the land or in the legal dwelling of  
23          another person as an invitee with that person's permission,  
24          any ~~pistol, revolver,~~ stun gun or taser ~~or other firearm,~~  
25          except that this subsection (a) (4) does not apply to or  
26          affect transportation of a stun gun or taser ~~weapons~~ that

1 meet one of the following conditions:

2 (i) ~~are~~ broken down in a non-functioning state; ~~or~~

3 (ii) ~~are~~ not immediately accessible; or

4 (iii) ~~are unloaded and~~ enclosed in a case, ~~firearm~~  
5 carrying box, shipping box, or other container ~~by a~~  
6 ~~person who has been issued a currently valid Firearm~~  
7 ~~Owner's Identification Card~~; or

8 (5) Sets a spring gun; or

9 (6) Possesses any device or attachment of any kind  
10 designed, used or intended for use in silencing the report  
11 of any firearm; or

12 (7) Sells, manufactures, purchases, possesses or  
13 carries:

14 (i) a machine gun, which shall be defined for the  
15 purposes of this subsection as any weapon, which  
16 shoots, is designed to shoot, or can be readily  
17 restored to shoot, automatically more than one shot  
18 without manually reloading by a single function of the  
19 trigger, including the frame or receiver of any such  
20 weapon, or sells, manufactures, purchases, possesses,  
21 or carries any combination of parts designed or  
22 intended for use in converting any weapon into a  
23 machine gun, or any combination or parts from which a  
24 machine gun can be assembled if such parts are in the  
25 possession or under the control of a person;

26 (ii) any rifle having one or more barrels less than

1 16 inches in length or a shotgun having one or more  
2 barrels less than 18 inches in length or any weapon  
3 made from a rifle or shotgun, whether by alteration,  
4 modification, or otherwise, if such a weapon as  
5 modified has an overall length of less than 26 inches;  
6 or

7 (iii) any bomb, bomb-shell, grenade, bottle or  
8 other container containing an explosive substance of  
9 over one-quarter ounce for like purposes, such as, but  
10 not limited to, black powder bombs and Molotov  
11 cocktails or artillery projectiles; or

12 (8) Carries or possesses any ~~firearm,~~ stun gun or taser  
13 or other deadly weapon in any place which is licensed to  
14 sell intoxicating beverages, or at any public gathering  
15 held pursuant to a license issued by any governmental body  
16 or any public gathering at which an admission is charged;  
17 ~~or, excluding a place where a showing, demonstration or~~  
18 ~~lecture involving the exhibition of unloaded firearms is~~  
19 ~~conducted.~~

20 ~~This subsection (a) (8) does not apply to any auction or~~  
21 ~~raffle of a firearm held pursuant to a license or permit~~  
22 ~~issued by a governmental body, nor does it apply to persons~~  
23 ~~engaged in firearm safety training courses; or~~

24 (9) Carries or possesses in a vehicle or on or about  
25 his person any pistol, revolver, stun gun or taser or  
26 firearm or ballistic knife, when he is hooded, robed or

1 masked in such manner as to conceal his identity; or

2 (10) Carries or possesses on or about his or her  
3 person, upon any public street, alley, or other public  
4 lands within the corporate limits of a city, village or  
5 incorporated town, except when an invitee thereon or  
6 therein, for the purpose of the display of the stun gun or  
7 taser ~~such weapon~~ or the lawful commerce in stun guns or  
8 tasers ~~weapons~~, or except when on his or her land or in his  
9 or her own abode, legal dwelling, or fixed place of  
10 business, or on the land or in the legal dwelling of  
11 another person as an invitee with that person's permission,  
12 any ~~pistol, revolver, stun gun or taser or other firearm,~~  
13 except that this subsection (a) (10) does not apply to or  
14 affect transportation of a stun gun or taser ~~weapons~~ that  
15 meet one of the following conditions:

16 (i) ~~are~~ broken down in a non-functioning state; ~~or~~

17 (ii) ~~are~~ not immediately accessible; or

18 (iii) ~~are unloaded and enclosed in a case, firearm~~  
19 ~~carrying box, shipping box, or other container by a~~  
20 ~~person who has been issued a currently valid Firearm~~  
21 ~~Owner's Identification Card.~~

22 A "stun gun or taser", as used in this paragraph (a)  
23 means (i) any device which is powered by electrical  
24 charging units, such as, batteries, and which fires one or  
25 several barbs attached to a length of wire and which, upon  
26 hitting a human, can send out a current capable of

1            disrupting the person's nervous system in such a manner as  
2            to render him incapable of normal functioning or (ii) any  
3            device which is powered by electrical charging units, such  
4            as batteries, and which, upon contact with a human or  
5            clothing worn by a human, can send out current capable of  
6            disrupting the person's nervous system in such a manner as  
7            to render him incapable of normal functioning; or

8            (11) Sells, manufactures, possesses, or purchases any  
9            explosive bullet. For purposes of this paragraph (a)  
10           "explosive bullet" means the projectile portion of an  
11           ammunition cartridge which contains or carries an  
12           explosive charge which will explode upon contact with the  
13           flesh of a human or an animal. "Cartridge" means a tubular  
14           metal case having a projectile affixed at the front thereof  
15           and a cap or primer at the rear end thereof, with the  
16           propellant contained in such tube between the projectile  
17           and the cap; or

18           (12) (Blank); or

19           (13) Carries or possesses on or about his or her person  
20           while in a building occupied by a unit of government, a  
21           billy club, other weapon of like character, or other  
22           instrument of like character intended for use as a weapon.  
23           For the purposes of this Section, "billy club" means a  
24           short stick or club commonly carried by police officers  
25           which is either telescopic or constructed of a solid piece  
26           of wood or other man-made material.

1 (b) Sentence. A person convicted of a violation of  
2 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
3 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
4 Class A misdemeanor. A person convicted of a violation of  
5 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
6 person convicted of a violation of subsection 24-1(a)(6) or  
7 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
8 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
9 Class 2 felony and shall be sentenced to a term of imprisonment  
10 of not less than 3 years and not more than 7 years, unless the  
11 weapon is possessed in the passenger compartment of a motor  
12 vehicle as defined in Section 1-146 of the Illinois Vehicle  
13 Code, or on the person, while the weapon is loaded, in which  
14 case it shall be a Class X felony. A person convicted of a  
15 second or subsequent violation of subsection 24-1(a)(4),  
16 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
17 felony. The possession of each weapon in violation of this  
18 Section constitutes a single and separate violation.

19 (c) Violations in specific places.

20 (1) A person who violates subsection 24-1(a)(6) or  
21 24-1(a)(7) in any school, regardless of the time of day or  
22 the time of year, in residential property owned, operated  
23 or managed by a public housing agency or leased by a public  
24 housing agency as part of a scattered site or mixed-income  
25 development, in a public park, in a courthouse, on the real  
26 property comprising any school, regardless of the time of

1 day or the time of year, on residential property owned,  
2 operated or managed by a public housing agency or leased by  
3 a public housing agency as part of a scattered site or  
4 mixed-income development, on the real property comprising  
5 any public park, on the real property comprising any  
6 courthouse, in any conveyance owned, leased or contracted  
7 by a school to transport students to or from school or a  
8 school related activity, in any conveyance owned, leased,  
9 or contracted by a public transportation agency, or on any  
10 public way within 1,000 feet of the real property  
11 comprising any school, public park, courthouse, public  
12 transportation facility, or residential property owned,  
13 operated, or managed by a public housing agency or leased  
14 by a public housing agency as part of a scattered site or  
15 mixed-income development commits a Class 2 felony and shall  
16 be sentenced to a term of imprisonment of not less than 3  
17 years and not more than 7 years.

18 (1.5) A person who violates subsection 24-1(a)(4),  
19 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
20 time of day or the time of year, in residential property  
21 owned, operated, or managed by a public housing agency or  
22 leased by a public housing agency as part of a scattered  
23 site or mixed-income development, in a public park, in a  
24 courthouse, on the real property comprising any school,  
25 regardless of the time of day or the time of year, on  
26 residential property owned, operated, or managed by a

1 public housing agency or leased by a public housing agency  
2 as part of a scattered site or mixed-income development, on  
3 the real property comprising any public park, on the real  
4 property comprising any courthouse, in any conveyance  
5 owned, leased, or contracted by a school to transport  
6 students to or from school or a school related activity, in  
7 any conveyance owned, leased, or contracted by a public  
8 transportation agency, or on any public way within 1,000  
9 feet of the real property comprising any school, public  
10 park, courthouse, public transportation facility, or  
11 residential property owned, operated, or managed by a  
12 public housing agency or leased by a public housing agency  
13 as part of a scattered site or mixed-income development  
14 commits a Class 3 felony.

15 (2) A person who violates subsection 24-1(a)(1),  
16 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
17 time of day or the time of year, in residential property  
18 owned, operated or managed by a public housing agency or  
19 leased by a public housing agency as part of a scattered  
20 site or mixed-income development, in a public park, in a  
21 courthouse, on the real property comprising any school,  
22 regardless of the time of day or the time of year, on  
23 residential property owned, operated or managed by a public  
24 housing agency or leased by a public housing agency as part  
25 of a scattered site or mixed-income development, on the  
26 real property comprising any public park, on the real

1 property comprising any courthouse, in any conveyance  
2 owned, leased or contracted by a school to transport  
3 students to or from school or a school related activity, in  
4 any conveyance owned, leased, or contracted by a public  
5 transportation agency, or on any public way within 1,000  
6 feet of the real property comprising any school, public  
7 park, courthouse, public transportation facility, or  
8 residential property owned, operated, or managed by a  
9 public housing agency or leased by a public housing agency  
10 as part of a scattered site or mixed-income development  
11 commits a Class 4 felony. "Courthouse" means any building  
12 that is used by the Circuit, Appellate, or Supreme Court of  
13 this State for the conduct of official business.

14 (3) Paragraphs (1), (1.5), and (2) of this subsection  
15 (c) shall not apply to law enforcement officers or security  
16 officers of ~~the such~~ school, college, or university or to  
17 students carrying or possessing firearms for use in  
18 training courses, parades, hunting, target shooting on  
19 school ranges, or otherwise with the consent of school  
20 authorities and which firearms are transported unloaded  
21 enclosed in a suitable case, box, or transportation  
22 package.

23 (4) For the purposes of this subsection (c), "school"  
24 means any public or private elementary or secondary school,  
25 community college, college, or university.

26 (5) For the purposes of this subsection (c), "public

1 transportation agency" means a public or private agency  
2 that provides for the transportation or conveyance of  
3 persons by means available to the general public, except  
4 for transportation by automobiles not used for conveyance  
5 of the general public as passengers; and "public  
6 transportation facility" means a terminal or other place  
7 where one may obtain public transportation.

8 (d) The presence in an automobile other than a public  
9 omnibus of any weapon, instrument or substance referred to in  
10 subsection (a)(7) is prima facie evidence that it is in the  
11 possession of, and is being carried by, all persons occupying  
12 such automobile at the time such weapon, instrument or  
13 substance is found, except under the following circumstances:  
14 (i) if such weapon, instrument or instrumentality is found upon  
15 the person of one of the occupants therein; or (ii) if such  
16 weapon, instrument or substance is found in an automobile  
17 operated for hire by a duly licensed driver in the due, lawful  
18 and proper pursuit of his trade, then such presumption shall  
19 not apply to the driver.

20 (e) Exemptions. Crossbows, Common or Compound bows and  
21 Underwater Spearguns are exempted from the definition of  
22 ballistic knife as defined in paragraph (1) of subsection (a)  
23 of this Section.

24 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;  
25 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;  
26 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

1 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

2 Sec. 24-1.1. Unlawful Use or Possession of Weapons by  
3 Felons or Persons in the Custody of the Department of  
4 Corrections Facilities.

5 (a) It is unlawful for a person to knowingly possess on or  
6 about his person or on his land or in his own abode or fixed  
7 place of business any weapon prohibited under Section 24-1 of  
8 this Act or any firearm or any firearm ammunition if the person  
9 has been convicted of a felony under the laws of this State or  
10 any other jurisdiction. This Section shall not apply if the  
11 person has been granted relief by the United States Attorney  
12 General under Section 925 of the federal Gun Control Act of  
13 1968 (Title 18 U.S.C. Section 925), as amended ~~Director of the~~  
14 ~~Department of State Police under Section 10 of the Firearm~~  
15 ~~Owners Identification Card Act.~~

16 (b) It is unlawful for any person confined in a penal  
17 institution, which is a facility of the Illinois Department of  
18 Corrections, to possess any weapon prohibited under Section  
19 24-1 of this Code or any firearm or firearm ammunition,  
20 regardless of the intent with which he possesses it.

21 (c) It shall be an affirmative defense to a violation of  
22 subsection (b), that such possession was specifically  
23 authorized by rule, regulation, or directive of the Illinois  
24 Department of Corrections or order issued pursuant thereto.

25 (d) The defense of necessity is not available to a person

1 who is charged with a violation of subsection (b) of this  
2 Section.

3 (e) Sentence. Violation of this Section by a person not  
4 confined in a penal institution shall be a Class 3 felony for  
5 which the person shall be sentenced to no less than 2 years and  
6 no more than 10 years and any second or subsequent violation  
7 shall be a Class 2 felony for which the person shall be  
8 sentenced to a term of imprisonment of not less than 3 years  
9 and not more than 14 years. Violation of this Section by a  
10 person not confined in a penal institution who has been  
11 convicted of a forcible felony, a felony violation of Article  
12 24 of this Code ~~or of the Firearm Owners Identification Card~~  
13 ~~Act~~, stalking or aggravated stalking, or a Class 2 or greater  
14 felony under the Illinois Controlled Substances Act, the  
15 Cannabis Control Act, or the Methamphetamine Control and  
16 Community Protection Act is a Class 2 felony for which the  
17 person shall be sentenced to not less than 3 years and not more  
18 than 14 years. Violation of this Section by a person who is on  
19 parole or mandatory supervised release is a Class 2 felony for  
20 which the person shall be sentenced to not less than 3 years  
21 and not more than 14 years. Violation of this Section by a  
22 person not confined in a penal institution is a Class X felony  
23 when the firearm possessed is a machine gun. Any person who  
24 violates this Section while confined in a penal institution,  
25 which is a facility of the Illinois Department of Corrections,  
26 is guilty of a Class 1 felony, if he possesses any weapon

1 prohibited under Section 24-1 of this Code regardless of the  
2 intent with which he possesses it, a Class X felony if he  
3 possesses any firearm, firearm ammunition or explosive, and a  
4 Class X felony for which the offender shall be sentenced to not  
5 less than 12 years and not more than 50 years when the firearm  
6 possessed is a machine gun. A violation of this Section while  
7 wearing or in possession of body armor as defined in Section  
8 33F-1 is a Class X felony punishable by a term of imprisonment  
9 of not less than 10 years and not more than 40 years. The  
10 possession of each firearm or firearm ammunition in violation  
11 of this Section constitutes a single and separate violation.  
12 (Source: P.A. 97-237, eff. 1-1-12.)

13 (720 ILCS 5/24-1.6)

14 Sec. 24-1.6. Aggravated unlawful use of a weapon.

15 (a) A person commits the offense of aggravated unlawful use  
16 of a weapon when he or she knowingly:

17 (1) Carries on or about his or her person or in any  
18 vehicle or concealed on or about his or her person except  
19 when on his or her land or in his or her abode, legal  
20 dwelling, or fixed place of business, or on the land or in  
21 the legal dwelling of another person as an invitee with  
22 that person's permission, any pistol, revolver, stun gun or  
23 taser or other firearm; or

24 (2) Carries or possesses on or about his or her person,  
25 upon any public street, alley, or other public lands within

1 the corporate limits of a city, village or incorporated  
2 town, except when an invitee thereon or therein, for the  
3 purpose of the display of such weapon or the lawful  
4 commerce in weapons, or except when on his or her own land  
5 or in his or her own abode, legal dwelling, or fixed place  
6 of business, or on the land or in the legal dwelling of  
7 another person as an invitee with that person's permission,  
8 any pistol, revolver, stun gun or taser or other firearm;  
9 and

10 (3) One of the following factors is present:

11 (A) the stun gun or taser ~~firearm~~ possessed was  
12 uncased, ~~loaded~~ and immediately accessible at the time  
13 of the offense; or

14 (B) (blank) ~~the firearm possessed was uncased,~~  
15 ~~unloaded and the ammunition for the weapon was~~  
16 ~~immediately accessible at the time of the offense; or~~

17 (C) (blank) ~~the person possessing the firearm has~~  
18 ~~not been issued a currently valid Firearm Owner's~~  
19 ~~Identification Card; or~~

20 (D) the person possessing the weapon was  
21 previously adjudicated a delinquent minor under the  
22 Juvenile Court Act of 1987 for an act that if committed  
23 by an adult would be a felony; or

24 (E) the person possessing the weapon was engaged in  
25 a misdemeanor violation of the Cannabis Control Act, in  
26 a misdemeanor violation of the Illinois Controlled

1 Substances Act, or in a misdemeanor violation of the  
2 Methamphetamine Control and Community Protection Act;  
3 or

4 (F) (blank); or

5 (G) the person possessing the weapon had a order of  
6 protection issued against him or her within the  
7 previous 2 years; or

8 (H) the person possessing the weapon was engaged in  
9 the commission or attempted commission of a  
10 misdemeanor involving the use or threat of violence  
11 against the person or property of another; or

12 (I) the person possessing the weapon was under 21  
13 years of age and in possession of a handgun as defined  
14 in Section 24-3, unless the person under 21 is  
15 authorized to possess under Section 24-0.1 of this Code  
16 or engaged in lawful activities under the Wildlife Code  
17 or described in subsection 24-2(b)(1), (b)(3), or  
18 24-2(f).

19 (b) "Stun gun or taser" as used in this Section has the  
20 same definition given to it in Section 24-1 of this Code.

21 (c) This Section does not apply to or affect the  
22 transportation or possession of weapons that:

23 (i) are broken down in a non-functioning state; or

24 (ii) are not immediately accessible; or

25 (iii) are unloaded and enclosed in a case, firearm  
26 carrying box, shipping box, or other container ~~by a~~

1 ~~person who has been issued a currently valid Firearm~~  
2 ~~Owner's Identification Card.~~

3 (d) Sentence.

4 (1) Aggravated unlawful use of a weapon is a Class 4  
5 felony; a second or subsequent offense is a Class 2 felony  
6 for which the person shall be sentenced to a term of  
7 imprisonment of not less than 3 years and not more than 7  
8 years.

9 (2) Except as otherwise provided in paragraphs (3) and  
10 (4) of this subsection (d), a first offense of aggravated  
11 unlawful use of a weapon committed with a firearm by a  
12 person 18 years of age or older where the factors listed in  
13 item ~~both items~~ (A) ~~and (C)~~ of paragraph (3) of subsection  
14 (a) are present is a Class 4 felony, for which the person  
15 shall be sentenced to a term of imprisonment of not less  
16 than one year and not more than 3 years.

17 (3) Aggravated unlawful use of a weapon by a person who  
18 has been previously convicted of a felony in this State or  
19 another jurisdiction is a Class 2 felony for which the  
20 person shall be sentenced to a term of imprisonment of not  
21 less than 3 years and not more than 7 years.

22 (4) (Blank). ~~Aggravated unlawful use of a weapon while~~  
23 ~~wearing or in possession of body armor as defined in~~  
24 ~~Section 33F-1 by a person who has not been issued a valid~~  
25 ~~Firearms Owner's Identification Card in accordance with~~  
26 ~~Section 5 of the Firearm Owners Identification Card Act is~~

1 ~~a Class X felony.~~

2 (e) The possession of each firearm in violation of this  
3 Section constitutes a single and separate violation.

4 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;  
5 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

6 (720 ILCS 5/24-1.8)

7 Sec. 24-1.8. Unlawful possession of a firearm by a street  
8 gang member.

9 (a) A person commits unlawful possession of a firearm by a  
10 street gang member when he or she knowingly:

11 (1) possesses, carries, or conceals on or about his or  
12 her person a firearm and firearm ammunition while on any  
13 street, road, alley, gangway, sidewalk, or any other lands,  
14 except when inside his or her own abode or inside his or  
15 her fixed place of business, ~~and has not been issued a~~  
16 ~~currently valid Firearm Owner's Identification Card~~ and is  
17 a member of a street gang; or

18 (2) possesses or carries in any vehicle a firearm and  
19 firearm ammunition which are both immediately accessible  
20 at the time of the offense while on any street, road,  
21 alley, or any other lands, except when inside his or her  
22 own abode or garage, ~~and has not been issued a currently~~  
23 ~~valid Firearm Owner's Identification Card~~ and is a member  
24 of a street gang.

25 (b) Unlawful possession of a firearm by a street gang

1 member is a Class 2 felony for which the person, if sentenced  
2 to a term of imprisonment, shall be sentenced to no less than 3  
3 years and no more than 10 years. A period of probation, a term  
4 of periodic imprisonment or conditional discharge shall not be  
5 imposed for the offense of unlawful possession of a firearm by  
6 a street gang member when the firearm was loaded or contained  
7 firearm ammunition and the court shall sentence the offender to  
8 not less than the minimum term of imprisonment authorized for  
9 the Class 2 felony.

10 (c) For purposes of this Section:

11 "Street gang" or "gang" has the meaning ascribed to it  
12 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
13 Prevention Act.

14 "Street gang member" or "gang member" has the meaning  
15 ascribed to it in Section 10 of the Illinois Streetgang  
16 Terrorism Omnibus Prevention Act.

17 (Source: P.A. 96-829, eff. 12-3-09.)

18 (720 ILCS 5/24-2)

19 Sec. 24-2. Exemptions.

20 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
21 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
22 the following:

23 (1) Peace officers, and any person summoned by a peace  
24 officer to assist in making arrests or preserving the  
25 peace, while actually engaged in assisting such officer.

1           (2) Wardens, superintendents and keepers of prisons,  
2           penitentiaries, jails and other institutions for the  
3           detention of persons accused or convicted of an offense,  
4           while in the performance of their official duty, or while  
5           commuting between their homes and places of employment.

6           (3) Members of the Armed Services or Reserve Forces of  
7           the United States or the Illinois National Guard or the  
8           Reserve Officers Training Corps, while in the performance  
9           of their official duty.

10          (4) Special agents employed by a railroad or a public  
11          utility to perform police functions, and guards of armored  
12          car companies, while actually engaged in the performance of  
13          the duties of their employment or commuting between their  
14          homes and places of employment; and watchmen while actually  
15          engaged in the performance of the duties of their  
16          employment.

17          (5) Persons licensed as private security contractors,  
18          private detectives, or private alarm contractors, or  
19          employed by an agency certified by the Department of  
20          Financial and Professional Regulation, if their duties  
21          include the carrying of a weapon under the provisions of  
22          the Private Detective, Private Alarm, Private Security,  
23          Fingerprint Vendor, and Locksmith Act of 2004, while  
24          actually engaged in the performance of the duties of their  
25          employment or commuting between their homes and places of  
26          employment, provided that such commuting is accomplished

1 within one hour from departure from home or place of  
2 employment, as the case may be. A person shall be  
3 considered eligible for this exemption if he or she has  
4 completed the required 20 hours of training for a private  
5 security contractor, private detective, or private alarm  
6 contractor, or employee of a licensed agency and 20 hours  
7 of required firearm training, and has been issued a firearm  
8 control card by the Department of Financial and  
9 Professional Regulation. Conditions for the renewal of  
10 firearm control cards issued under the provisions of this  
11 Section shall be the same as for those cards issued under  
12 the provisions of the Private Detective, Private Alarm,  
13 Private Security, Fingerprint Vendor, and Locksmith Act of  
14 2004. The firearm control card shall be carried by the  
15 private security contractor, private detective, or private  
16 alarm contractor, or employee of the licensed agency at all  
17 times when he or she is in possession of a concealable  
18 weapon.

19 (6) Any person regularly employed in a commercial or  
20 industrial operation as a security guard for the protection  
21 of persons employed and private property related to such  
22 commercial or industrial operation, while actually engaged  
23 in the performance of his or her duty or traveling between  
24 sites or properties belonging to the employer, and who, as  
25 a security guard, is a member of a security force of at  
26 least 5 persons registered with the Department of Financial

1 and Professional Regulation; provided that such security  
2 guard has successfully completed a course of study,  
3 approved by and supervised by the Department of Financial  
4 and Professional Regulation, consisting of not less than 40  
5 hours of training that includes the theory of law  
6 enforcement, liability for acts, and the handling of  
7 weapons. A person shall be considered eligible for this  
8 exemption if he or she has completed the required 20 hours  
9 of training for a security officer and 20 hours of required  
10 firearm training, and has been issued a firearm control  
11 card by the Department of Financial and Professional  
12 Regulation. Conditions for the renewal of firearm control  
13 cards issued under the provisions of this Section shall be  
14 the same as for those cards issued under the provisions of  
15 the Private Detective, Private Alarm, Private Security,  
16 Fingerprint Vendor, and Locksmith Act of 2004. The firearm  
17 control card shall be carried by the security guard at all  
18 times when he or she is in possession of a concealable  
19 weapon.

20 (7) Agents and investigators of the Illinois  
21 Legislative Investigating Commission authorized by the  
22 Commission to carry the weapons specified in subsections  
23 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
24 any investigation for the Commission.

25 (8) Persons employed by a financial institution for the  
26 protection of other employees and property related to such

1 financial institution, while actually engaged in the  
2 performance of their duties, commuting between their homes  
3 and places of employment, or traveling between sites or  
4 properties owned or operated by such financial  
5 institution, provided that any person so employed has  
6 successfully completed a course of study, approved by and  
7 supervised by the Department of Financial and Professional  
8 Regulation, consisting of not less than 40 hours of  
9 training which includes theory of law enforcement,  
10 liability for acts, and the handling of weapons. A person  
11 shall be considered to be eligible for this exemption if he  
12 or she has completed the required 20 hours of training for  
13 a security officer and 20 hours of required firearm  
14 training, and has been issued a firearm control card by the  
15 Department of Financial and Professional Regulation.  
16 Conditions for renewal of firearm control cards issued  
17 under the provisions of this Section shall be the same as  
18 for those issued under the provisions of the Private  
19 Detective, Private Alarm, Private Security, Fingerprint  
20 Vendor, and Locksmith Act of 2004. Such firearm control  
21 card shall be carried by the person so trained at all times  
22 when such person is in possession of a concealable weapon.  
23 For purposes of this subsection, "financial institution"  
24 means a bank, savings and loan association, credit union or  
25 company providing armored car services.

26 (9) Any person employed by an armored car company to

1 drive an armored car, while actually engaged in the  
2 performance of his duties.

3 (10) Persons who have been classified as peace officers  
4 pursuant to the Peace Officer Fire Investigation Act.

5 (11) Investigators of the Office of the State's  
6 Attorneys Appellate Prosecutor authorized by the board of  
7 governors of the Office of the State's Attorneys Appellate  
8 Prosecutor to carry weapons under ~~pursuant to~~ Section 7.06  
9 of the State's Attorneys Appellate Prosecutor's Act.

10 (12) Special investigators appointed by a State's  
11 Attorney under Section 3-9005 of the Counties Code.

12 (12.5) Probation officers while in the performance of  
13 their duties, or while commuting between their homes,  
14 places of employment or specific locations that are part of  
15 their assigned duties, with the consent of the chief judge  
16 of the circuit for which they are employed.

17 (13) Court Security Officers while in the performance  
18 of their official duties, or while commuting between their  
19 homes and places of employment, with the consent of the  
20 Sheriff.

21 (13.5) A person employed as an armed security guard at  
22 a nuclear energy, storage, weapons or development site or  
23 facility regulated by the Nuclear Regulatory Commission  
24 who has completed the background screening and training  
25 mandated by the rules and regulations of the Nuclear  
26 Regulatory Commission.

1 (14) Manufacture, transportation, or sale of weapons  
2 to persons authorized under subdivisions (1) through  
3 (13.5) of this subsection to possess those weapons.

4 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
5 24-1.6 do not apply to or affect any of the following:

6 (1) (Blank). ~~Members of any club or organization~~  
7 ~~organized for the purpose of practicing shooting at targets~~  
8 ~~upon established target ranges, whether public or private,~~  
9 ~~and patrons of such ranges, while such members or patrons~~  
10 ~~are using their firearms on those target ranges.~~

11 (2) (Blank). ~~Duly authorized military or civil~~  
12 ~~organizations while parading, with the special permission~~  
13 ~~of the Governor.~~

14 (3) (Blank). ~~Hunters, trappers or fishermen with a~~  
15 ~~license or permit while engaged in hunting, trapping or~~  
16 ~~fishing.~~

17 (4) Transportation of weapons that are broken down in a  
18 non-functioning state or are not immediately accessible.

19 (5) Carrying or possessing any pistol, revolver, stun  
20 gun or taser or other firearm on the land or in the legal  
21 dwelling of another person as an invitee with that person's  
22 permission.

23 (c) Subsection 24-1(a)(7) does not apply to or affect any  
24 of the following:

25 (1) Peace officers while in performance of their  
26 official duties.

1           (2) Wardens, superintendents and keepers of prisons,  
2           penitentiaries, jails and other institutions for the  
3           detention of persons accused or convicted of an offense.

4           (3) Members of the Armed Services or Reserve Forces of  
5           the United States or the Illinois National Guard, while in  
6           the performance of their official duty.

7           (4) Manufacture, transportation, or sale of machine  
8           guns to persons authorized under subdivisions (1) through  
9           (3) of this subsection to possess machine guns, if the  
10          machine guns are broken down in a non-functioning state or  
11          are not immediately accessible.

12          (5) Persons licensed under federal law to manufacture  
13          any weapon from which 8 or more shots or bullets can be  
14          discharged by a single function of the firing device, or  
15          ammunition for such weapons, and actually engaged in the  
16          business of manufacturing such weapons or ammunition, but  
17          only with respect to activities which are within the lawful  
18          scope of such business, such as the manufacture,  
19          transportation, or testing of such weapons or ammunition.  
20          This exemption does not authorize the general private  
21          possession of any weapon from which 8 or more shots or  
22          bullets can be discharged by a single function of the  
23          firing device, but only such possession and activities as  
24          are within the lawful scope of a licensed manufacturing  
25          business described in this paragraph.

26          During transportation, such weapons shall be broken

1 down in a non-functioning state or not immediately  
2 accessible.

3 (6) The manufacture, transport, testing, delivery,  
4 transfer or sale, and all lawful commercial or experimental  
5 activities necessary thereto, of rifles, shotguns, and  
6 weapons made from rifles or shotguns, or ammunition for  
7 such rifles, shotguns or weapons, where engaged in by a  
8 person operating as a contractor or subcontractor pursuant  
9 to a contract or subcontract for the development and supply  
10 of such rifles, shotguns, weapons or ammunition to the  
11 United States government or any branch of the Armed Forces  
12 of the United States, when such activities are necessary  
13 and incident to fulfilling the terms of this ~~such~~ contract.

14 The exemption granted under this subdivision (c)(6)  
15 shall also apply to any authorized agent of the ~~any such~~  
16 contractor or subcontractor who is operating within the  
17 scope of his or her employment, where the ~~such~~ activities  
18 involving the ~~such~~ weapon, weapons or ammunition are  
19 necessary and incident to fulfilling the terms of the ~~such~~  
20 contract.

21 During transportation, any such weapon shall be broken  
22 down in a non-functioning state, or not immediately  
23 accessible.

24 (7) A person possessing a rifle with a barrel or  
25 barrels less than 16 inches in length if: (A) the person  
26 has been issued a Curios and Relics license from the U.S.

1 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)  
2 the person is an active member of a bona fide, nationally  
3 recognized military re-enacting group and the modification  
4 is required and necessary to accurately portray the weapon  
5 for historical re-enactment purposes; the re-enactor is in  
6 possession of a valid and current re-enacting group  
7 membership credential; and the overall length of the weapon  
8 as modified is not less than 26 inches.

9 During transportation, the weapon ~~any such weapon~~  
10 shall be broken down in a non-functioning state, or not  
11 immediately accessible.

12 (d) Subsection 24-1(a)(1) does not apply to the purchase,  
13 possession or carrying of a black-jack or slung-shot by a peace  
14 officer.

15 (e) Subsection 24-1(a)(8) does not apply to any owner,  
16 manager or authorized employee of any place specified in that  
17 subsection nor to any law enforcement officer.

18 (f) (Blank). ~~Subsection 24-1(a)(4) and subsection~~  
19 ~~24-1(a)(10) and Section 24-1.6 do not apply to members of any~~  
20 ~~club or organization organized for the purpose of practicing~~  
21 ~~shooting at targets upon established target ranges, whether~~  
22 ~~public or private, while using their firearms on those target~~  
23 ~~ranges.~~

24 (g) Subsections ~~Subsections~~ 24-1(a)(11) does ~~and~~  
25 ~~24-3.1(a)(6) do~~ not apply to:

26 (1) Members of the Armed Services or Reserve Forces of

1 the United States or the Illinois National Guard, while in  
2 the performance of their official duty.

3 (2) Bonafide collectors of antique or surplus military  
4 ordinance.

5 (3) Laboratories having a department of forensic  
6 ballistics, or specializing in the development of  
7 ammunition or explosive ordinance.

8 (4) Commerce, preparation, assembly or possession of  
9 explosive bullets by manufacturers of ammunition licensed  
10 by the federal government, in connection with the supply of  
11 those organizations and persons exempted by subdivision  
12 (g)(1) of this Section, or like organizations and persons  
13 outside this State, or the transportation of explosive  
14 bullets to any organization or person exempted in this  
15 Section by a common carrier or by a vehicle owned or leased  
16 by an exempted manufacturer.

17 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
18 persons licensed under federal law to manufacture any device or  
19 attachment of any kind designed, used, or intended for use in  
20 silencing the report of any firearm, firearms, or ammunition  
21 for those firearms equipped with those devices, and actually  
22 engaged in the business of manufacturing those devices,  
23 firearms, or ammunition, but only with respect to activities  
24 that are within the lawful scope of that business, such as the  
25 manufacture, transportation, or testing of those devices,  
26 firearms, or ammunition. This exemption does not authorize the

1 general private possession of any device or attachment of any  
2 kind designed, used, or intended for use in silencing the  
3 report of any firearm, but only such possession and activities  
4 as are within the lawful scope of a licensed manufacturing  
5 business described in this subsection (g-5). During  
6 transportation, these devices shall be detached from any weapon  
7 or not immediately accessible.

8 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
9 24-1.6 do not apply to or affect any parole agent or parole  
10 supervisor who meets the qualifications and conditions  
11 prescribed in Section 3-14-1.5 of the Unified Code of  
12 Corrections.

13 (g-7) Subsection 24-1(a)(6) does not apply to a peace  
14 officer while serving as a member of a tactical response team  
15 or special operations team. A peace officer may not personally  
16 own or apply for ownership of a device or attachment of any  
17 kind designed, used, or intended for use in silencing the  
18 report of any firearm. These devices shall be owned and  
19 maintained by lawfully recognized units of government whose  
20 duties include the investigation of criminal acts.

21 (g-10) Subsection ~~Subsections 24-1(a)(4), 24-1(a)(8), and~~  
22 ~~24-1(a)(10),~~ and Section ~~Sections 24-1.6 and 24-3.1~~ do not  
23 apply to an athlete's possession, transport on official Olympic  
24 and Paralympic transit systems established for athletes, or use  
25 of competition firearms sanctioned by the International  
26 Olympic Committee, the International Paralympic Committee, the

1 International Shooting Sport Federation, or USA Shooting in  
2 connection with such athlete's training for and participation  
3 in shooting competitions at the 2016 Olympic and Paralympic  
4 Games and sanctioned test events leading up to the 2016 Olympic  
5 and Paralympic Games.

6 (h) An information or indictment based upon a violation of  
7 any subsection of this Article need not negative any exemptions  
8 contained in this Article. The defendant shall have the burden  
9 of proving this ~~such an~~ exemption.

10 (i) Nothing in this Article shall prohibit, apply to, or  
11 affect the transportation, carrying, or possession, of any  
12 pistol or revolver, stun gun, taser, or other firearm consigned  
13 to a common carrier operating under license of the State of  
14 Illinois or the federal government, where the ~~such~~  
15 transportation, carrying, or possession is incident to the  
16 lawful transportation in which this ~~such~~ common carrier is  
17 engaged; and nothing in this Article shall prohibit, apply to,  
18 or affect the transportation, carrying, or possession of any  
19 pistol, revolver, stun gun, taser, or other firearm, not the  
20 subject of and regulated by subsection 24-1(a)(7) or subsection  
21 24-2(c) of this Article, which is unloaded and enclosed in a  
22 case, firearm carrying box, shipping box, or other container,  
23 ~~by the possessor of a valid Firearm Owners Identification Card.~~

24 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,  
25 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;  
26 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;

1 revised 8-23-12.)

2 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

3 Sec. 24-3. Unlawful sale or delivery of firearms.

4 (A) A person commits the offense of unlawful sale or  
5 delivery of firearms when he or she knowingly does any of the  
6 following:

7 (a) Sells or gives any firearm of a size which may be  
8 concealed upon the person to any person under 18 years of  
9 age.

10 (b) Sells or gives any firearm to a person under 21  
11 years of age who has been convicted of a misdemeanor other  
12 than a traffic offense or adjudged delinquent.

13 (c) Sells or gives any firearm to any narcotic addict.

14 (d) Sells or gives any firearm to any person who has  
15 been convicted of a felony under the laws of this or any  
16 other jurisdiction.

17 (e) Sells or gives any firearm to any person who has  
18 been a patient in a mental hospital within the past 5  
19 years.

20 (f) Sells or gives any firearms to any person who is  
21 intellectually disabled.

22 (g) Delivers any firearm of a size which may be  
23 concealed upon the person, incidental to a sale, without  
24 withholding delivery of such firearm for at least 72 hours  
25 after application for its purchase has been made, or

1 delivers any rifle, shotgun or other long gun, or a stun  
2 gun or taser, incidental to a sale, without withholding  
3 delivery of such rifle, shotgun or other long gun, or a  
4 stun gun or taser for at least 24 hours after application  
5 for its purchase has been made. However, this paragraph (g)  
6 does not apply to: (1) the sale of a firearm to a law  
7 enforcement officer if the seller of the firearm knows that  
8 the person to whom he or she is selling the firearm is a  
9 law enforcement officer or the sale of a firearm to a  
10 person who desires to purchase a firearm for use in  
11 promoting the public interest incident to his or her  
12 employment as a bank guard, armed truck guard, or other  
13 similar employment; (2) a mail order sale of a firearm to a  
14 nonresident of Illinois under which the firearm is mailed  
15 to a point outside the boundaries of Illinois; (3) the sale  
16 of a firearm to a nonresident of Illinois while at a  
17 firearm showing or display recognized by the Illinois  
18 Department of State Police; or (4) the sale of a firearm to  
19 a dealer licensed as a federal firearms dealer under  
20 Section 923 of the federal Gun Control Act of 1968 (18  
21 U.S.C. 923). For purposes of this paragraph (g),  
22 "application" means when the buyer and seller reach an  
23 agreement to purchase a firearm.

24 (h) While holding any license as a dealer, importer,  
25 manufacturer or pawnbroker under the federal Gun Control  
26 Act of 1968, manufactures, sells or delivers to any

1 unlicensed person a handgun having a barrel, slide, frame  
2 or receiver which is a die casting of zinc alloy or any  
3 other nonhomogeneous metal which will melt or deform at a  
4 temperature of less than 800 degrees Fahrenheit. For  
5 purposes of this paragraph, (1) "firearm" is defined as in  
6 Section 2-7.5 of this Code ~~the Firearm Owners~~  
7 ~~Identification Card Act~~; and (2) "handgun" is defined as a  
8 firearm designed to be held and fired by the use of a  
9 single hand, and includes a combination of parts from which  
10 such a firearm can be assembled.

11 (i) (Blank). ~~Sells or gives a firearm of any size to~~  
12 ~~any person under 18 years of age who does not possess a~~  
13 ~~valid Firearm Owner's Identification Card.~~

14 (j) Sells or gives a firearm while engaged in the  
15 business of selling firearms at wholesale or retail without  
16 being licensed as a federal firearms dealer under Section  
17 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).  
18 In this paragraph (j):

19 A person "engaged in the business" means a person who  
20 devotes time, attention, and labor to engaging in the  
21 activity as a regular course of trade or business with the  
22 principal objective of livelihood and profit, but does not  
23 include a person who makes occasional repairs of firearms  
24 or who occasionally fits special barrels, stocks, or  
25 trigger mechanisms to firearms.

26 "With the principal objective of livelihood and

1 profit" means that the intent underlying the sale or  
2 disposition of firearms is predominantly one of obtaining  
3 livelihood and pecuniary gain, as opposed to other intents,  
4 such as improving or liquidating a personal firearms  
5 collection; however, proof of profit shall not be required  
6 as to a person who engages in the regular and repetitive  
7 purchase and disposition of firearms for criminal purposes  
8 or terrorism.

9 (k) (Blank). ~~Sells or transfers ownership of a firearm~~  
10 ~~to a person who does not display to the seller or~~  
11 ~~transferor of the firearm a currently valid Firearm Owner's~~  
12 ~~Identification Card that has previously been issued in the~~  
13 ~~transferee's name by the Department of State Police under~~  
14 ~~the provisions of the Firearm Owners Identification Card~~  
15 ~~Act. This paragraph (k) does not apply to the transfer of a~~  
16 ~~firearm to a person who is exempt from the requirement of~~  
17 ~~possessing a Firearm Owner's Identification Card under~~  
18 ~~Section 2 of the Firearm Owners Identification Card Act.~~  
19 ~~For the purposes of this Section, a currently valid Firearm~~  
20 ~~Owner's Identification Card means (i) a Firearm Owner's~~  
21 ~~Identification Card that has not expired or (ii) if the~~  
22 ~~transferor is licensed as a federal firearms dealer under~~  
23 ~~Section 923 of the federal Gun Control Act of 1968 (18~~  
24 ~~U.S.C. 923), an approval number issued in accordance with~~  
25 ~~Section 3.1 of the Firearm Owners Identification Card Act~~  
26 ~~shall be proof that the Firearm Owner's Identification Card~~

1       ~~was valid.~~

2           (1) Not being entitled to the possession of a firearm,  
3       delivers the firearm, knowing it to have been stolen or  
4       converted. It may be inferred that a person who possesses a  
5       firearm with knowledge that its serial number has been  
6       removed or altered has knowledge that the firearm is stolen  
7       or converted.

8           (B) Paragraph (h) of subsection (A) does not include  
9       firearms sold within 6 months after enactment of Public Act  
10      78-355 (approved August 21, 1973, effective October 1, 1973),  
11      nor is any firearm legally owned or possessed by any citizen or  
12      purchased by any citizen within 6 months after the enactment of  
13      Public Act 78-355 subject to confiscation or seizure under the  
14      provisions of that Public Act. Nothing in Public Act 78-355  
15      shall be construed to prohibit the gift or trade of any firearm  
16      if that firearm was legally held or acquired within 6 months  
17      after the enactment of that Public Act.

18          (C) Sentence.

19           (1) Any person convicted of unlawful sale or delivery  
20      of firearms in violation of paragraph (c), (e), (f), (g),  
21      or (h) of subsection (A) commits a Class 4 felony.

22           (2) Any person convicted of unlawful sale or delivery  
23      of firearms in violation of paragraph (b) ~~or (i)~~ of  
24      subsection (A) commits a Class 3 felony.

25           (3) Any person convicted of unlawful sale or delivery  
26      of firearms in violation of paragraph (a) of subsection (A)

1 commits a Class 2 felony.

2 (4) Any person convicted of unlawful sale or delivery  
3 of firearms in violation of paragraph (a) or, ~~(b), or (i)~~  
4 of subsection (A) in any school, on the real property  
5 comprising a school, within 1,000 feet of the real property  
6 comprising a school, at a school related activity, or on or  
7 within 1,000 feet of any conveyance owned, leased, or  
8 contracted by a school or school district to transport  
9 students to or from school or a school related activity,  
10 regardless of the time of day or time of year at which the  
11 offense was committed, commits a Class 1 felony. Any person  
12 convicted of a second or subsequent violation of unlawful  
13 sale or delivery of firearms in violation of paragraph (a)  
14 or, ~~(b), or (i)~~ of subsection (A) in any school, on the  
15 real property comprising a school, within 1,000 feet of the  
16 real property comprising a school, at a school related  
17 activity, or on or within 1,000 feet of any conveyance  
18 owned, leased, or contracted by a school or school district  
19 to transport students to or from school or a school related  
20 activity, regardless of the time of day or time of year at  
21 which the offense was committed, commits a Class 1 felony  
22 for which the sentence shall be a term of imprisonment of  
23 no less than 5 years and no more than 15 years.

24 (5) Any person convicted of unlawful sale or delivery  
25 of firearms in violation of paragraph (a) ~~or (i)~~ of  
26 subsection (A) in residential property owned, operated, or

1 managed by a public housing agency or leased by a public  
2 housing agency as part of a scattered site or mixed-income  
3 development, in a public park, in a courthouse, on  
4 residential property owned, operated, or managed by a  
5 public housing agency or leased by a public housing agency  
6 as part of a scattered site or mixed-income development, on  
7 the real property comprising any public park, on the real  
8 property comprising any courthouse, or on any public way  
9 within 1,000 feet of the real property comprising any  
10 public park, courthouse, or residential property owned,  
11 operated, or managed by a public housing agency or leased  
12 by a public housing agency as part of a scattered site or  
13 mixed-income development commits a Class 2 felony.

14 (6) Any person convicted of unlawful sale or delivery  
15 of firearms in violation of paragraph (j) of subsection (A)  
16 commits a Class A misdemeanor. A second or subsequent  
17 violation is a Class 4 felony.

18 (7) ~~(Blank). Any person convicted of unlawful sale or~~  
19 ~~delivery of firearms in violation of paragraph (k) of~~  
20 ~~subsection (A) commits a Class 4 felony. A third or~~  
21 ~~subsequent conviction for a violation of paragraph (k) of~~  
22 ~~subsection (A) is a Class 1 felony.~~

23 (8) A person 18 years of age or older convicted of  
24 unlawful sale or delivery of firearms in violation of  
25 paragraph (a) ~~or (i)~~ of subsection (A), when the firearm  
26 that was sold or given to another person under 18 years of

1           age was used in the commission of or attempt to commit a  
2           forcible felony, shall be fined or imprisoned, or both, not  
3           to exceed the maximum provided for the most serious  
4           forcible felony so committed or attempted by the person  
5           under 18 years of age who was sold or given the firearm.

6           (9) Any person convicted of unlawful sale or delivery  
7           of firearms in violation of paragraph (d) of subsection (A)  
8           commits a Class 3 felony.

9           (10) Any person convicted of unlawful sale or delivery  
10          of firearms in violation of paragraph (l) of subsection (A)  
11          commits a Class 2 felony if the delivery is of one firearm.  
12          Any person convicted of unlawful sale or delivery of  
13          firearms in violation of paragraph (l) of subsection (A)  
14          commits a Class 1 felony if the delivery is of not less  
15          than 2 and not more than 5 firearms at the same time or  
16          within a one year period. Any person convicted of unlawful  
17          sale or delivery of firearms in violation of paragraph (l)  
18          of subsection (A) commits a Class X felony for which he or  
19          she shall be sentenced to a term of imprisonment of not  
20          less than 6 years and not more than 30 years if the  
21          delivery is of not less than 6 and not more than 10  
22          firearms at the same time or within a 2 year period. Any  
23          person convicted of unlawful sale or delivery of firearms  
24          in violation of paragraph (l) of subsection (A) commits a  
25          Class X felony for which he or she shall be sentenced to a  
26          term of imprisonment of not less than 6 years and not more

1 than 40 years if the delivery is of not less than 11 and  
2 not more than 20 firearms at the same time or within a 3  
3 year period. Any person convicted of unlawful sale or  
4 delivery of firearms in violation of paragraph (l) of  
5 subsection (A) commits a Class X felony for which he or she  
6 shall be sentenced to a term of imprisonment of not less  
7 than 6 years and not more than 50 years if the delivery is  
8 of not less than 21 and not more than 30 firearms at the  
9 same time or within a 4 year period. Any person convicted  
10 of unlawful sale or delivery of firearms in violation of  
11 paragraph (l) of subsection (A) commits a Class X felony  
12 for which he or she shall be sentenced to a term of  
13 imprisonment of not less than 6 years and not more than 60  
14 years if the delivery is of 31 or more firearms at the same  
15 time or within a 5 year period.

16 (D) For purposes of this Section:

17 "School" means a public or private elementary or secondary  
18 school, community college, college, or university.

19 "School related activity" means any sporting, social,  
20 academic, or other activity for which students' attendance or  
21 participation is sponsored, organized, or funded in whole or in  
22 part by a school or school district.

23 (E) ~~A prosecution for a violation of paragraph (k) of~~  
24 ~~subsection (A) of this Section may be commenced within 6 years~~  
25 ~~after the commission of the offense.~~ A prosecution for a  
26 violation of this Section other than paragraph (g) of

1 subsection (A) of this Section may be commenced within 5 years  
2 after the commission of the offense defined in the particular  
3 paragraph.

4 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,  
5 eff. 1-1-12; 97-813, eff. 7-13-12.)

6 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

7 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

8 (a) A person commits the offense of unlawful discharge of  
9 firearm projectiles when he or she knowingly or recklessly uses  
10 an armor piercing bullet, dragon's breath shotgun shell, bolo  
11 shell, or flechette shell in violation of this Section.

12 For purposes of this Section:

13 "Armor piercing bullet" means any handgun bullet or handgun  
14 ammunition with projectiles or projectile cores constructed  
15 entirely (excluding the presence of traces of other substances)  
16 from tungsten alloys, steel, iron, brass, bronze, beryllium  
17 copper or depleted uranium, or fully jacketed bullets larger  
18 than 22 caliber whose jacket has a weight of more than 25% of  
19 the total weight of the projectile, and excluding those handgun  
20 projectiles whose cores are composed of soft materials such as  
21 lead or lead alloys, zinc or zinc alloys, frangible projectiles  
22 designed primarily for sporting purposes, and any other  
23 projectiles or projectile cores that the U. S. Secretary of the  
24 Treasury finds to be primarily intended to be used for sporting  
25 purposes or industrial purposes or that otherwise does not

1 constitute "armor piercing ammunition" as that term is defined  
2 by federal law.

3 "Dragon's breath shotgun shell" means any shotgun shell  
4 that contains exothermic pyrophoric mesh metal as the  
5 projectile and is designed for the purpose of throwing or  
6 spewing a flame or fireball to simulate a flame-thrower.

7 "Bolo shell" means any shell that can be fired in a firearm  
8 and expels as projectiles 2 or more metal balls connected by  
9 solid metal wire.

10 "Flechette shell" means any shell that can be fired in a  
11 firearm and expels 2 or more pieces of fin-stabilized solid  
12 metal wire or 2 or more solid dart-type projectiles.

13 (b) A person commits a Class X felony when he or she,  
14 knowing that a firearm, as defined in Section 2-7.5 of this  
15 Code ~~1.1 of the Firearm Owners Identification Card Act~~, is  
16 loaded with an armor piercing bullet, dragon's breath shotgun  
17 shell, bolo shell, or flechette shell, intentionally or  
18 recklessly discharges such firearm and such bullet or shell  
19 strikes any other person.

20 (c) Any person who possesses, concealed on or about his or  
21 her person, an armor piercing bullet, dragon's breath shotgun  
22 shell, bolo shell, or flechette shell and a firearm suitable  
23 for the discharge thereof is guilty of a Class 2 felony.

24 (d) This Section does not apply to or affect any of the  
25 following:

26 (1) Peace officers;

1           (2) Wardens, superintendents and keepers of prisons,  
2           penitentiaries, jails and other institutions for the  
3           detention of persons accused or convicted of an offense;

4           (3) Members of the Armed Services or Reserve Forces of  
5           the United States or the Illinois National Guard while in  
6           the performance of their official duties;

7           (4) Federal officials required to carry firearms,  
8           while engaged in the performance of their official duties;

9           (5) United States Marshals, while engaged in the  
10          performance of their official duties.

11         (Source: P.A. 92-423, eff. 1-1-02.)

12           (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

13           Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

14           (a) It shall be unlawful for any person who holds a license  
15           to sell at retail any alcoholic liquor issued by the Illinois  
16           Liquor Control Commission or local liquor control commissioner  
17           under the Liquor Control Act of 1934 or an agent or employee of  
18           the licensee to sell or deliver to any other person a firearm  
19           in or on the real property of the establishment where the  
20           licensee is licensed to sell alcoholic liquors unless the sale  
21           or delivery of the firearm is otherwise lawful under this  
22           Article ~~and under the Firearm Owners Identification Card Act.~~

23           (b) Sentence. A violation of subsection (a) of this Section  
24           is a Class 4 felony.

25         (Source: P.A. 87-591.)

1 (720 ILCS 5/24-3.5)

2 Sec. 24-3.5. Unlawful purchase of a firearm.

3 (a) For purposes of this Section, "firearms transaction  
4 record form" means a form:

5 (1) executed by a transferee of a firearm stating: (i)  
6 the transferee's name and address (including county or  
7 similar political subdivision); (ii) whether the  
8 transferee is a citizen of the United States; (iii) the  
9 transferee's State of residence; and (iv) the date and  
10 place of birth, height, weight, and race of the transferee;  
11 and

12 (2) on which the transferee certifies that he or she is  
13 not prohibited by federal law from transporting or shipping  
14 a firearm in interstate or foreign commerce or receiving a  
15 firearm that has been shipped or transported in interstate  
16 or foreign commerce or possessing a firearm in or affecting  
17 commerce.

18 (b) A person commits the offense of unlawful purchase of a  
19 firearm who knowingly purchases or attempts to purchase a  
20 firearm with the intent to deliver that firearm to another  
21 person who is prohibited by federal or State law from  
22 possessing a firearm.

23 (c) A person commits the offense of unlawful purchase of a  
24 firearm when he or she, in purchasing or attempting to purchase  
25 a firearm, intentionally provides false or misleading

1 information on a United States Department of the Treasury,  
2 Bureau of Alcohol, Tobacco and Firearms firearms transaction  
3 record form.

4 (d) Exemption. It is not a violation of subsection (b) of  
5 this Section for a person to make a gift or loan of a firearm to  
6 a person who is not prohibited by federal or State law from  
7 possessing a firearm ~~if the transfer of the firearm is made in~~  
8 ~~accordance with Section 3 of the Firearm Owners Identification~~  
9 ~~Card Act.~~

10 (e) Sentence.

11 (1) A person who commits the offense of unlawful  
12 purchase of a firearm:

13 (A) is guilty of a Class 2 felony for purchasing or  
14 attempting to purchase one firearm;

15 (B) is guilty of a Class 1 felony for purchasing or  
16 attempting to purchase not less than 2 firearms and not  
17 more than 5 firearms at the same time or within a one  
18 year period;

19 (C) is guilty of a Class X felony for which the  
20 offender shall be sentenced to a term of imprisonment  
21 of not less than 9 years and not more than 40 years for  
22 purchasing or attempting to purchase not less than 6  
23 firearms at the same time or within a 2 year period.

24 (2) In addition to any other penalty that may be  
25 imposed for a violation of this Section, the court may  
26 sentence a person convicted of a violation of subsection

1 (c) of this Section to a fine not to exceed \$250,000 for  
2 each violation.

3 (f) A prosecution for unlawful purchase of a firearm may be  
4 commenced within 6 years after the commission of the offense.

5 (Source: P.A. 95-882, eff. 1-1-09.)

6 (720 ILCS 5/24-4.5 new)

7 Sec. 24-4.5. Dial up system.

8 (a) The Department of State Police shall provide a dial up  
9 telephone system or utilize other existing technology which  
10 shall be used by any federally licensed firearm dealer, gun  
11 show promoter, or gun show vendor who is to transfer a firearm,  
12 stun gun, or taser under the provisions of this Code. The  
13 Department of State Police may utilize existing technology  
14 which allows the caller to be charged a fee not to exceed \$2.  
15 Fees collected by the Department of State Police shall be  
16 deposited in the State Police Services Fund and used to provide  
17 the service.

18 (b) Upon receiving a request from a federally licensed  
19 firearm dealer, gun show promoter, or gun show vendor, the  
20 Department of State Police shall immediately approve, or within  
21 the time period established by Section 24-3 of this Code  
22 regarding the delivery of firearms, stun guns, and tasers  
23 notify the inquiring dealer, gun show promoter, or gun show  
24 vendor of any objection that would disqualify the transferee  
25 from acquiring or possessing a firearm, stun gun, or taser. In

1 conducting the inquiry, the Department of State Police shall  
2 initiate and complete an automated search of its criminal  
3 history record information files and those of the Federal  
4 Bureau of Investigation, including the National Instant  
5 Criminal Background Check System, and of the files of the  
6 Department of Human Services relating to mental health and  
7 developmental disabilities to obtain any felony conviction or  
8 patient hospitalization information which would disqualify a  
9 person from obtaining a firearm.

10 (c) If receipt of a firearm would not violate Section 24-3  
11 of this Code or federal law, the Department of State Police  
12 shall:

13 (1) assign a unique identification number to the  
14 transfer; and

15 (2) provide the licensee, gun show promoter, or gun  
16 show vendor with the number.

17 (d) Approvals issued by the Department of State Police for  
18 the purchase of a firearm are valid for 30 days from the date  
19 of issue.

20 (e) (1) The Department of State Police must act as the  
21 Illinois Point of Contact for the National Instant Criminal  
22 Background Check System.

23 (2) The Department of State Police and the Department of  
24 Human Services shall, in accordance with State and federal law  
25 regarding confidentiality, enter into a memorandum of  
26 understanding with the Federal Bureau of Investigation for the

1 purpose of implementing the National Instant Criminal  
2 Background Check System in the State. The Department of State  
3 Police shall report the name, date of birth, and physical  
4 description of any person prohibited from possessing a firearm  
5 under this Code or 18 U.S.C. 922(g) and (n) to the National  
6 Instant Criminal Background Check System Index, Denied Persons  
7 Files.

8 (f) The Department of State Police shall adopt rules not  
9 inconsistent with this Section to implement this system.

10 (720 ILCS 5/24-9)

11 Sec. 24-9. Firearms; Child Protection.

12 (a) Except as provided in subsection (c), it is unlawful  
13 for any person to store or leave, within premises under his or  
14 her control, a firearm if the person knows or has reason to  
15 believe that a minor under the age of 14 years ~~who does not~~  
16 ~~have a Firearm Owners Identification Card~~ is likely to gain  
17 access to the firearm without the lawful permission of the  
18 minor's parent, guardian, or person having charge of the minor,  
19 and the minor causes death or great bodily harm with the  
20 firearm, unless the firearm is:

21 (1) secured by a device or mechanism, other than the  
22 firearm safety, designed to render a firearm temporarily  
23 inoperable; or

24 (2) placed in a securely locked box or container; or

25 (3) placed in some other location that a reasonable

1 person would believe to be secure from a minor under the  
2 age of 14 years.

3 (b) Sentence. A person who violates this Section is guilty  
4 of a Class C misdemeanor and shall be fined not less than  
5 \$1,000. A second or subsequent violation of this Section is a  
6 Class A misdemeanor.

7 (c) Subsection (a) does not apply:

8 (1) if the minor under 14 years of age gains access to  
9 a firearm and uses it in a lawful act of self-defense or  
10 defense of another; or

11 (2) to any firearm obtained by a minor under the age of  
12 14 because of an unlawful entry of the premises by the  
13 minor or another person.

14 (d) For the purposes of this Section, "firearm" has the  
15 meaning ascribed to it in Section 2-7.5 of this Code ~~1.1 of the~~  
16 ~~Firearm Owners Identification Card Act.~~

17 (Source: P.A. 91-18, eff. 1-1-00.)

18 720 ILCS 5/24-3.1 rep.

19 Section 110. The Criminal Code of 2012 is amended by  
20 repealing Section 24-3.1.

21 Section 115. The Methamphetamine Control and Community  
22 Protection Act is amended by changing Section 10 as follows:

23 (720 ILCS 646/10)

1           Sec. 10. Definitions. As used in this Act:

2           "Anhydrous ammonia" has the meaning provided in subsection  
3 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

4           "Anhydrous ammonia equipment" means all items used to  
5 store, hold, contain, handle, transfer, transport, or apply  
6 anhydrous ammonia for lawful purposes.

7           "Booby trap" means any device designed to cause physical  
8 injury when triggered by an act of a person approaching,  
9 entering, or moving through a structure, a vehicle, or any  
10 location where methamphetamine has been manufactured, is being  
11 manufactured, or is intended to be manufactured.

12           "Deliver" or "delivery" has the meaning provided in  
13 subsection (h) of Section 102 of the Illinois Controlled  
14 Substances Act.

15           "Director" means the Director of State Police or the  
16 Director's designated agents.

17           "Dispose" or "disposal" means to abandon, discharge,  
18 release, deposit, inject, dump, spill, leak, or place  
19 methamphetamine waste onto or into any land, water, or well of  
20 any type so that the waste has the potential to enter the  
21 environment, be emitted into the air, or be discharged into the  
22 soil or any waters, including groundwater.

23           "Emergency response" means the act of collecting evidence  
24 from or securing a methamphetamine laboratory site,  
25 methamphetamine waste site or other methamphetamine-related  
26 site and cleaning up the site, whether these actions are

1 performed by public entities or private contractors paid by  
2 public entities.

3 "Emergency service provider" means a local, State, or  
4 federal peace officer, firefighter, emergency medical  
5 technician-ambulance, emergency medical  
6 technician-intermediate, emergency medical  
7 technician-paramedic, ambulance driver, or other medical or  
8 first aid personnel rendering aid, or any agent or designee of  
9 the foregoing.

10 "Finished methamphetamine" means methamphetamine in a form  
11 commonly used for personal consumption.

12 "Firearm" has the meaning provided in Section 2-7.5 of the  
13 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
14 ~~Card Act.~~

15 "Manufacture" means to produce, prepare, compound,  
16 convert, process, synthesize, concentrate, purify, separate,  
17 extract, or package any methamphetamine, methamphetamine  
18 precursor, methamphetamine manufacturing catalyst,  
19 methamphetamine manufacturing reagent, methamphetamine  
20 manufacturing solvent, or any substance containing any of the  
21 foregoing.

22 "Methamphetamine" means the chemical methamphetamine (a  
23 Schedule II controlled substance under the Illinois Controlled  
24 Substances Act) or any salt, optical isomer, salt of optical  
25 isomer, or analog thereof, with the exception of  
26 3,4-Methylenedioxymethamphetamine (MDMA) or any other

1 scheduled substance with a separate listing under the Illinois  
2 Controlled Substances Act.

3 "Methamphetamine manufacturing catalyst" means any  
4 substance that has been used, is being used, or is intended to  
5 be used to activate, accelerate, extend, or improve a chemical  
6 reaction involved in the manufacture of methamphetamine.

7 "Methamphetamine manufacturing environment" means a  
8 structure or vehicle in which:

9 (1) methamphetamine is being or has been manufactured;

10 (2) chemicals that are being used, have been used, or  
11 are intended to be used to manufacture methamphetamine are  
12 stored;

13 (3) methamphetamine manufacturing materials that have  
14 been used to manufacture methamphetamine are stored; or

15 (4) methamphetamine manufacturing waste is stored.

16 "Methamphetamine manufacturing material" means any  
17 methamphetamine precursor, substance containing any  
18 methamphetamine precursor, methamphetamine manufacturing  
19 catalyst, substance containing any methamphetamine  
20 manufacturing catalyst, methamphetamine manufacturing reagent,  
21 substance containing any methamphetamine manufacturing  
22 reagent, methamphetamine manufacturing solvent, substance  
23 containing any methamphetamine manufacturing solvent, or any  
24 other chemical, substance, ingredient, equipment, apparatus,  
25 or item that is being used, has been used, or is intended to be  
26 used in the manufacture of methamphetamine.

1 "Methamphetamine manufacturing reagent" means any  
2 substance other than a methamphetamine manufacturing catalyst  
3 that has been used, is being used, or is intended to be used to  
4 react with and chemically alter any methamphetamine precursor.

5 "Methamphetamine manufacturing solvent" means any  
6 substance that has been used, is being used, or is intended to  
7 be used as a medium in which any methamphetamine precursor,  
8 methamphetamine manufacturing catalyst, methamphetamine  
9 manufacturing reagent, or any substance containing any of the  
10 foregoing is dissolved, diluted, or washed during any part of  
11 the methamphetamine manufacturing process.

12 "Methamphetamine manufacturing waste" means any chemical,  
13 substance, ingredient, equipment, apparatus, or item that is  
14 left over from, results from, or is produced by the process of  
15 manufacturing methamphetamine, other than finished  
16 methamphetamine.

17 "Methamphetamine precursor" means ephedrine,  
18 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
19 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
20 isomer, or salt of an optical isomer of any of these chemicals.

21 "Multi-unit dwelling" means a unified structure used or  
22 intended for use as a habitation, home, or residence that  
23 contains 2 or more condominiums, apartments, hotel rooms, motel  
24 rooms, or other living units.

25 "Package" means an item marked for retail sale that is not  
26 designed to be further broken down or subdivided for the

1 purpose of retail sale.

2 "Participate" or "participation" in the manufacture of  
3 methamphetamine means to produce, prepare, compound, convert,  
4 process, synthesize, concentrate, purify, separate, extract,  
5 or package any methamphetamine, methamphetamine precursor,  
6 methamphetamine manufacturing catalyst, methamphetamine  
7 manufacturing reagent, methamphetamine manufacturing solvent,  
8 or any substance containing any of the foregoing, or to assist  
9 in any of these actions, or to attempt to take any of these  
10 actions, regardless of whether this action or these actions  
11 result in the production of finished methamphetamine.

12 "Person with a disability" means a person who suffers from  
13 a permanent physical or mental impairment resulting from  
14 disease, injury, functional disorder, or congenital condition  
15 which renders the person incapable of adequately providing for  
16 his or her own health and personal care.

17 "Procure" means to purchase, steal, gather, or otherwise  
18 obtain, by legal or illegal means, or to cause another to take  
19 such action.

20 "Second or subsequent offense" means an offense under this  
21 Act committed by an offender who previously committed an  
22 offense under this Act, the Illinois Controlled Substances Act,  
23 the Cannabis Control Act, or another Act of this State, another  
24 state, or the United States relating to methamphetamine,  
25 cannabis, or any other controlled substance.

26 "Standard dosage form", as used in relation to any

1 methamphetamine precursor, means that the methamphetamine  
2 precursor is contained in a pill, tablet, capsule, caplet, gel  
3 cap, or liquid cap that has been manufactured by a lawful  
4 entity and contains a standard quantity of methamphetamine  
5 precursor.

6 "Unauthorized container", as used in relation to anhydrous  
7 ammonia, means any container that is not designed for the  
8 specific and sole purpose of holding, storing, transporting, or  
9 applying anhydrous ammonia. "Unauthorized container" includes,  
10 but is not limited to, any propane tank, fire extinguisher,  
11 oxygen cylinder, gasoline can, food or beverage cooler, or  
12 compressed gas cylinder used in dispensing fountain drinks.  
13 "Unauthorized container" does not encompass anhydrous ammonia  
14 manufacturing plants, refrigeration systems where anhydrous  
15 ammonia is used solely as a refrigerant, anhydrous ammonia  
16 transportation pipelines, anhydrous ammonia tankers, or  
17 anhydrous ammonia barges.

18 (Source: P.A. 97-434, eff. 1-1-12.)

19 Section 120. The Code of Criminal Procedure of 1963 is  
20 amended by changing Sections 110-4 and 110-10 as follows:

21 (725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

22 Sec. 110-4. Bailable Offenses.

23 (a) All persons shall be bailable before conviction, except  
24 the following offenses where the proof is evident or the

1 presumption great that the defendant is guilty of the offense:  
2 capital offenses; offenses for which a sentence of life  
3 imprisonment may be imposed as a consequence of conviction;  
4 felony offenses for which a sentence of imprisonment, without  
5 conditional and revocable release, shall be imposed by law as a  
6 consequence of conviction, where the court after a hearing,  
7 determines that the release of the defendant would pose a real  
8 and present threat to the physical safety of any person or  
9 persons; stalking or aggravated stalking, where the court,  
10 after a hearing, determines that the release of the defendant  
11 would pose a real and present threat to the physical safety of  
12 the alleged victim of the offense and denial of bail is  
13 necessary to prevent fulfillment of the threat upon which the  
14 charge is based; or unlawful use of weapons in violation of  
15 Section 24-0.1 or item (4) of subsection (a) of Section 24-1 of  
16 the Criminal Code of 1961 or the Criminal Code of 2012 when  
17 that offense occurred in a school or in any conveyance owned,  
18 leased, or contracted by a school to transport students to or  
19 from school or a school-related activity, or on any public way  
20 within 1,000 feet of real property comprising any school, where  
21 the court, after a hearing, determines that the release of the  
22 defendant would pose a real and present threat to the physical  
23 safety of any person and denial of bail is necessary to prevent  
24 fulfillment of that threat; or making a terrorist threat in  
25 violation of Section 29D-20 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012 or an attempt to commit the offense of

1 making a terrorist threat, where the court, after a hearing,  
2 determines that the release of the defendant would pose a real  
3 and present threat to the physical safety of any person and  
4 denial of bail is necessary to prevent fulfillment of that  
5 threat.

6 (b) A person seeking release on bail who is charged with a  
7 capital offense or an offense for which a sentence of life  
8 imprisonment may be imposed shall not be bailable until a  
9 hearing is held wherein such person has the burden of  
10 demonstrating that the proof of his guilt is not evident and  
11 the presumption is not great.

12 (c) Where it is alleged that bail should be denied to a  
13 person upon the grounds that the person presents a real and  
14 present threat to the physical safety of any person or persons,  
15 the burden of proof of such allegations shall be upon the  
16 State.

17 (d) When it is alleged that bail should be denied to a  
18 person charged with stalking or aggravated stalking upon the  
19 grounds set forth in Section 110-6.3 of this Code, the burden  
20 of proof of those allegations shall be upon the State.

21 (Source: P.A. 97-1150, eff. 1-25-13.)

22 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

23 Sec. 110-10. Conditions of bail bond.

24 (a) If a person is released prior to conviction, either  
25 upon payment of bail security or on his or her own

1 recognizance, the conditions of the bail bond shall be that he  
2 or she will:

3 (1) Appear to answer the charge in the court having  
4 jurisdiction on a day certain and thereafter as ordered by  
5 the court until discharged or final order of the court;

6 (2) Submit himself or herself to the orders and process  
7 of the court;

8 (3) Not depart this State without leave of the court;

9 (4) Not violate any criminal statute of any  
10 jurisdiction;

11 (5) At a time and place designated by the court,  
12 surrender all firearms in his or her possession to a law  
13 enforcement officer designated by the court to take custody  
14 of and impound the firearms ~~and physically surrender his or~~  
15 ~~her Firearm Owner's Identification Card to the clerk of the~~  
16 ~~circuit court~~ when the offense the person has been charged  
17 with is a forcible felony, stalking, aggravated stalking,  
18 domestic battery, any violation of the Illinois Controlled  
19 Substances Act, the Methamphetamine Control and Community  
20 Protection Act, or the Cannabis Control Act that is  
21 classified as a Class 2 or greater felony, or any felony  
22 violation of Article 24 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012; the court may, however, forgo the  
24 imposition of this condition when the circumstances of the  
25 case clearly do not warrant it or when its imposition would  
26 be impractical; if the Firearm Owner's Identification Card

1 is confiscated, the clerk of the circuit court shall mail  
2 the confiscated card to the Illinois State Police; all  
3 legally possessed firearms shall be returned to the person  
4 upon the charges being dismissed, or if the person is found  
5 not guilty, unless the finding of not guilty is by reason  
6 of insanity; and

7 (6) At a time and place designated by the court, submit  
8 to a psychological evaluation when the person has been  
9 charged with a violation of Section 24-0.1 or item (4) of  
10 subsection (a) of Section 24-1 of the Criminal Code of 1961  
11 or the Criminal Code of 2012 and that violation occurred in  
12 a school or in any conveyance owned, leased, or contracted  
13 by a school to transport students to or from school or a  
14 school-related activity, or on any public way within 1,000  
15 feet of real property comprising any school.

16 Psychological evaluations ordered pursuant to this Section  
17 shall be completed promptly and made available to the State,  
18 the defendant, and the court. As a further condition of bail  
19 under these circumstances, the court shall order the defendant  
20 to refrain from entering upon the property of the school,  
21 including any conveyance owned, leased, or contracted by a  
22 school to transport students to or from school or a  
23 school-related activity, or on any public way within 1,000 feet  
24 of real property comprising any school. Upon receipt of the  
25 psychological evaluation, either the State or the defendant may  
26 request a change in the conditions of bail, pursuant to Section

1 110-6 of this Code. The court may change the conditions of bail  
2 to include a requirement that the defendant follow the  
3 recommendations of the psychological evaluation, including  
4 undergoing psychiatric treatment. The conclusions of the  
5 psychological evaluation and any statements elicited from the  
6 defendant during its administration are not admissible as  
7 evidence of guilt during the course of any trial on the charged  
8 offense, unless the defendant places his or her mental  
9 competency in issue.

10 (b) The court may impose other conditions, such as the  
11 following, if the court finds that such conditions are  
12 reasonably necessary to assure the defendant's appearance in  
13 court, protect the public from the defendant, or prevent the  
14 defendant's unlawful interference with the orderly  
15 administration of justice:

16 (1) Report to or appear in person before such person or  
17 agency as the court may direct;

18 (2) Refrain from possessing a firearm or other  
19 dangerous weapon;

20 (3) Refrain from approaching or communicating with  
21 particular persons or classes of persons;

22 (4) Refrain from going to certain described  
23 geographical areas or premises;

24 (5) Refrain from engaging in certain activities or  
25 indulging in intoxicating liquors or in certain drugs;

26 (6) Undergo treatment for drug addiction or

1 alcoholism;

2 (7) Undergo medical or psychiatric treatment;

3 (8) Work or pursue a course of study or vocational  
4 training;

5 (9) Attend or reside in a facility designated by the  
6 court;

7 (10) Support his or her dependents;

8 (11) If a minor resides with his or her parents or in a  
9 foster home, attend school, attend a non-residential  
10 program for youths, and contribute to his or her own  
11 support at home or in a foster home;

12 (12) Observe any curfew ordered by the court;

13 (13) Remain in the custody of such designated person or  
14 organization agreeing to supervise his release. Such third  
15 party custodian shall be responsible for notifying the  
16 court if the defendant fails to observe the conditions of  
17 release which the custodian has agreed to monitor, and  
18 shall be subject to contempt of court for failure so to  
19 notify the court;

20 (14) Be placed under direct supervision of the Pretrial  
21 Services Agency, Probation Department or Court Services  
22 Department in a pretrial bond home supervision capacity  
23 with or without the use of an approved electronic  
24 monitoring device subject to Article 8A of Chapter V of the  
25 Unified Code of Corrections;

26 (14.1) The court shall impose upon a defendant who is

1 charged with any alcohol, cannabis, methamphetamine, or  
2 controlled substance violation and is placed under direct  
3 supervision of the Pretrial Services Agency, Probation  
4 Department or Court Services Department in a pretrial bond  
5 home supervision capacity with the use of an approved  
6 monitoring device, as a condition of such bail bond, a fee  
7 that represents costs incidental to the electronic  
8 monitoring for each day of such bail supervision ordered by  
9 the court, unless after determining the inability of the  
10 defendant to pay the fee, the court assesses a lesser fee  
11 or no fee as the case may be. The fee shall be collected by  
12 the clerk of the circuit court. The clerk of the circuit  
13 court shall pay all monies collected from this fee to the  
14 county treasurer for deposit in the substance abuse  
15 services fund under Section 5-1086.1 of the Counties Code;

16 (14.2) The court shall impose upon all defendants,  
17 including those defendants subject to paragraph (14.1)  
18 above, placed under direct supervision of the Pretrial  
19 Services Agency, Probation Department or Court Services  
20 Department in a pretrial bond home supervision capacity  
21 with the use of an approved monitoring device, as a  
22 condition of such bail bond, a fee which shall represent  
23 costs incidental to such electronic monitoring for each day  
24 of such bail supervision ordered by the court, unless after  
25 determining the inability of the defendant to pay the fee,  
26 the court assesses a lesser fee or no fee as the case may

1 be. The fee shall be collected by the clerk of the circuit  
2 court. The clerk of the circuit court shall pay all monies  
3 collected from this fee to the county treasurer who shall  
4 use the monies collected to defray the costs of  
5 corrections. The county treasurer shall deposit the fee  
6 collected in the county working cash fund under Section  
7 6-27001 or Section 6-29002 of the Counties Code, as the  
8 case may be;

9 (14.3) The Chief Judge of the Judicial Circuit may  
10 establish reasonable fees to be paid by a person receiving  
11 pretrial services while under supervision of a pretrial  
12 services agency, probation department, or court services  
13 department. Reasonable fees may be charged for pretrial  
14 services including, but not limited to, pretrial  
15 supervision, diversion programs, electronic monitoring,  
16 victim impact services, drug and alcohol testing, DNA  
17 testing, GPS electronic monitoring, assessments and  
18 evaluations related to domestic violence and other  
19 victims, and victim mediation services. The person  
20 receiving pretrial services may be ordered to pay all costs  
21 incidental to pretrial services in accordance with his or  
22 her ability to pay those costs;

23 (14.4) For persons charged with violating Section  
24 11-501 of the Illinois Vehicle Code, refrain from operating  
25 a motor vehicle not equipped with an ignition interlock  
26 device, as defined in Section 1-129.1 of the Illinois

1 Vehicle Code, pursuant to the rules promulgated by the  
2 Secretary of State for the installation of ignition  
3 interlock devices. Under this condition the court may allow  
4 a defendant who is not self-employed to operate a vehicle  
5 owned by the defendant's employer that is not equipped with  
6 an ignition interlock device in the course and scope of the  
7 defendant's employment;

8 (15) Comply with the terms and conditions of an order  
9 of protection issued by the court under the Illinois  
10 Domestic Violence Act of 1986 or an order of protection  
11 issued by the court of another state, tribe, or United  
12 States territory;

13 (16) Under Section 110-6.5 comply with the conditions  
14 of the drug testing program; and

15 (17) Such other reasonable conditions as the court may  
16 impose.

17 (c) When a person is charged with an offense under Section  
18 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
19 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012, involving a victim who is a minor under  
21 18 years of age living in the same household with the defendant  
22 at the time of the offense, in granting bail or releasing the  
23 defendant on his own recognizance, the judge shall impose  
24 conditions to restrict the defendant's access to the victim  
25 which may include, but are not limited to conditions that he  
26 will:

- 1           1. Vacate the Household.
- 2           2. Make payment of temporary support to his dependents.
- 3           3. Refrain from contact or communication with the child
- 4           victim, except as ordered by the court.

5           (d) When a person is charged with a criminal offense and  
6           the victim is a family or household member as defined in  
7           Article 112A, conditions shall be imposed at the time of the  
8           defendant's release on bond that restrict the defendant's  
9           access to the victim. Unless provided otherwise by the court,  
10          the restrictions shall include requirements that the defendant  
11          do the following:

12                 (1) refrain from contact or communication with the  
13                 victim for a minimum period of 72 hours following the  
14                 defendant's release; and

15                 (2) refrain from entering or remaining at the victim's  
16                 residence for a minimum period of 72 hours following the  
17                 defendant's release.

18          (e) Local law enforcement agencies shall develop  
19          standardized bond forms for use in cases involving family or  
20          household members as defined in Article 112A, including  
21          specific conditions of bond as provided in subsection (d).  
22          Failure of any law enforcement department to develop or use  
23          those forms shall in no way limit the applicability and  
24          enforcement of subsections (d) and (f).

25          (f) If the defendant is admitted to bail after conviction  
26          the conditions of the bail bond shall be that he will, in

1 addition to the conditions set forth in subsections (a) and (b)  
2 hereof:

3 (1) Duly prosecute his appeal;

4 (2) Appear at such time and place as the court may  
5 direct;

6 (3) Not depart this State without leave of the court;

7 (4) Comply with such other reasonable conditions as the  
8 court may impose; and

9 (5) If the judgment is affirmed or the cause reversed  
10 and remanded for a new trial, forthwith surrender to the  
11 officer from whose custody he was bailed.

12 (g) Upon a finding of guilty for any felony offense, the  
13 defendant shall physically surrender, at a time and place  
14 designated by the court, any and all firearms in his or her  
15 possession ~~and his or her Firearm Owner's Identification Card~~  
16 as a condition of remaining on bond pending sentencing.

17 (Source: P.A. 96-340, eff. 8-11-09; 96-1551, eff. 7-1-11;  
18 97-401, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff.  
19 1-25-13.)

20 Section 125. The Unified Code of Corrections is amended by  
21 changing Sections 5-5-3 and 5-5-3.2 as follows:

22 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

23 Sec. 5-5-3. Disposition.

24 (a) (Blank).

1 (b) (Blank).

2 (c) (1) (Blank).

3 (2) A period of probation, a term of periodic  
4 imprisonment or conditional discharge shall not be imposed  
5 for the following offenses. The court shall sentence the  
6 offender to not less than the minimum term of imprisonment  
7 set forth in this Code for the following offenses, and may  
8 order a fine or restitution or both in conjunction with  
9 such term of imprisonment:

10 (A) First degree murder where the death penalty is  
11 not imposed.

12 (B) Attempted first degree murder.

13 (C) A Class X felony.

14 (D) A violation of Section 401.1 or 407 of the  
15 Illinois Controlled Substances Act, or a violation of  
16 subdivision (c) (1.5) or (c) (2) of Section 401 of that  
17 Act which relates to more than 5 grams of a substance  
18 containing cocaine, fentanyl, or an analog thereof.

19 (D-5) A violation of subdivision (c) (1) of Section  
20 401 of the Illinois Controlled Substances Act which  
21 relates to 3 or more grams of a substance containing  
22 heroin or an analog thereof.

23 (E) A violation of Section 5.1 or 9 of the Cannabis  
24 Control Act.

25 (F) A Class 2 or greater felony if the offender had  
26 been convicted of a Class 2 or greater felony,

1 including any state or federal conviction for an  
2 offense that contained, at the time it was committed,  
3 the same elements as an offense now (the date of the  
4 offense committed after the prior Class 2 or greater  
5 felony) classified as a Class 2 or greater felony,  
6 within 10 years of the date on which the offender  
7 committed the offense for which he or she is being  
8 sentenced, except as otherwise provided in Section  
9 40-10 of the Alcoholism and Other Drug Abuse and  
10 Dependency Act.

11 (F-5) A violation of Section 24-0.1, 24-1, 24-1.1,  
12 or 24-1.6 of the Criminal Code of 1961 or the Criminal  
13 Code of 2012 for which imprisonment is prescribed in  
14 those Sections.

15 (G) Residential burglary, except as otherwise  
16 provided in Section 40-10 of the Alcoholism and Other  
17 Drug Abuse and Dependency Act.

18 (H) Criminal sexual assault.

19 (I) Aggravated battery of a senior citizen as  
20 described in Section 12-4.6 or subdivision (a)(4) of  
21 Section 12-3.05 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012.

23 (J) A forcible felony if the offense was related to  
24 the activities of an organized gang.

25 Before July 1, 1994, for the purposes of this  
26 paragraph, "organized gang" means an association of 5

1 or more persons, with an established hierarchy, that  
2 encourages members of the association to perpetrate  
3 crimes or provides support to the members of the  
4 association who do commit crimes.

5 Beginning July 1, 1994, for the purposes of this  
6 paragraph, "organized gang" has the meaning ascribed  
7 to it in Section 10 of the Illinois Streetgang  
8 Terrorism Omnibus Prevention Act.

9 (K) Vehicular hijacking.

10 (L) A second or subsequent conviction for the  
11 offense of hate crime when the underlying offense upon  
12 which the hate crime is based is felony aggravated  
13 assault or felony mob action.

14 (M) A second or subsequent conviction for the  
15 offense of institutional vandalism if the damage to the  
16 property exceeds \$300.

17 (N) (Blank). ~~A Class 3 felony violation of~~  
18 ~~paragraph (1) of subsection (a) of Section 2 of the~~  
19 ~~Firearm Owners Identification Card Act.~~

20 (O) A violation of Section 12-6.1 or 12-6.5 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012.

22 (P) A violation of paragraph (1), (2), (3), (4),  
23 (5), or (7) of subsection (a) of Section 11-20.1 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012.

25 (Q) A violation of subsection (b) or (b-5) of  
26 Section 20-1, Section 20-1.2, or Section 20-1.3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 (R) A violation of Section 24-3A of the Criminal  
3 Code of 1961 or the Criminal Code of 2012.

4 (S) (Blank).

5 (T) A second or subsequent violation of the  
6 Methamphetamine Control and Community Protection Act.

7 (U) A second or subsequent violation of Section  
8 6-303 of the Illinois Vehicle Code committed while his  
9 or her driver's license, permit, or privilege was  
10 revoked because of a violation of Section 9-3 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012,  
12 relating to the offense of reckless homicide, or a  
13 similar provision of a law of another state.

14 (V) A violation of paragraph (4) of subsection (c)  
15 of Section 11-20.1B or paragraph (4) of subsection (c)  
16 of Section 11-20.3 of the Criminal Code of 1961, or  
17 paragraph (6) of subsection (a) of Section 11-20.1 of  
18 the Criminal Code of 2012 when the victim is under 13  
19 years of age and the defendant has previously been  
20 convicted under the laws of this State or any other  
21 state of the offense of child pornography, aggravated  
22 child pornography, aggravated criminal sexual abuse,  
23 aggravated criminal sexual assault, predatory criminal  
24 sexual assault of a child, or any of the offenses  
25 formerly known as rape, deviate sexual assault,  
26 indecent liberties with a child, or aggravated

1 indecent liberties with a child where the victim was  
2 under the age of 18 years or an offense that is  
3 substantially equivalent to those offenses.

4 (W) A violation of Section 24-3.5 of the Criminal  
5 Code of 1961 or the Criminal Code of 2012.

6 (X) A violation of subsection (a) of Section 31-1a  
7 of the Criminal Code of 1961 or the Criminal Code of  
8 2012.

9 (Y) A conviction for unlawful possession of a  
10 firearm by a street gang member when the firearm was  
11 loaded or contained firearm ammunition.

12 (Z) A Class 1 felony committed while he or she was  
13 serving a term of probation or conditional discharge  
14 for a felony.

15 (AA) Theft of property exceeding \$500,000 and not  
16 exceeding \$1,000,000 in value.

17 (BB) Laundering of criminally derived property of  
18 a value exceeding \$500,000.

19 (CC) Knowingly selling, offering for sale, holding  
20 for sale, or using 2,000 or more counterfeit items or  
21 counterfeit items having a retail value in the  
22 aggregate of \$500,000 or more.

23 (DD) A conviction for aggravated assault under  
24 paragraph (6) of subsection (c) of Section 12-2 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012 if  
26 the firearm is aimed toward the person against whom the

1 firearm is being used.

2 (3) (Blank).

3 (4) A minimum term of imprisonment of not less than 10  
4 consecutive days or 30 days of community service shall be  
5 imposed for a violation of paragraph (c) of Section 6-303  
6 of the Illinois Vehicle Code.

7 (4.1) (Blank).

8 (4.2) Except as provided in paragraphs (4.3) and (4.8)  
9 of this subsection (c), a minimum of 100 hours of community  
10 service shall be imposed for a second violation of Section  
11 6-303 of the Illinois Vehicle Code.

12 (4.3) A minimum term of imprisonment of 30 days or 300  
13 hours of community service, as determined by the court,  
14 shall be imposed for a second violation of subsection (c)  
15 of Section 6-303 of the Illinois Vehicle Code.

16 (4.4) Except as provided in paragraphs (4.5), (4.6),  
17 and (4.9) of this subsection (c), a minimum term of  
18 imprisonment of 30 days or 300 hours of community service,  
19 as determined by the court, shall be imposed for a third or  
20 subsequent violation of Section 6-303 of the Illinois  
21 Vehicle Code.

22 (4.5) A minimum term of imprisonment of 30 days shall  
23 be imposed for a third violation of subsection (c) of  
24 Section 6-303 of the Illinois Vehicle Code.

25 (4.6) Except as provided in paragraph (4.10) of this  
26 subsection (c), a minimum term of imprisonment of 180 days

1 shall be imposed for a fourth or subsequent violation of  
2 subsection (c) of Section 6-303 of the Illinois Vehicle  
3 Code.

4 (4.7) A minimum term of imprisonment of not less than  
5 30 consecutive days, or 300 hours of community service,  
6 shall be imposed for a violation of subsection (a-5) of  
7 Section 6-303 of the Illinois Vehicle Code, as provided in  
8 subsection (b-5) of that Section.

9 (4.8) A mandatory prison sentence shall be imposed for  
10 a second violation of subsection (a-5) of Section 6-303 of  
11 the Illinois Vehicle Code, as provided in subsection (c-5)  
12 of that Section. The person's driving privileges shall be  
13 revoked for a period of not less than 5 years from the date  
14 of his or her release from prison.

15 (4.9) A mandatory prison sentence of not less than 4  
16 and not more than 15 years shall be imposed for a third  
17 violation of subsection (a-5) of Section 6-303 of the  
18 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
19 that Section. The person's driving privileges shall be  
20 revoked for the remainder of his or her life.

21 (4.10) A mandatory prison sentence for a Class 1 felony  
22 shall be imposed, and the person shall be eligible for an  
23 extended term sentence, for a fourth or subsequent  
24 violation of subsection (a-5) of Section 6-303 of the  
25 Illinois Vehicle Code, as provided in subsection (d-3.5) of  
26 that Section. The person's driving privileges shall be

1           revoked for the remainder of his or her life.

2           (5) The court may sentence a corporation or  
3           unincorporated association convicted of any offense to:

4                   (A) a period of conditional discharge;

5                   (B) a fine;

6                   (C) make restitution to the victim under Section  
7           5-5-6 of this Code.

8           (5.1) In addition to any other penalties imposed, and  
9           except as provided in paragraph (5.2) or (5.3), a person  
10          convicted of violating subsection (c) of Section 11-907 of  
11          the Illinois Vehicle Code shall have his or her driver's  
12          license, permit, or privileges suspended for at least 90  
13          days but not more than one year, if the violation resulted  
14          in damage to the property of another person.

15          (5.2) In addition to any other penalties imposed, and  
16          except as provided in paragraph (5.3), a person convicted  
17          of violating subsection (c) of Section 11-907 of the  
18          Illinois Vehicle Code shall have his or her driver's  
19          license, permit, or privileges suspended for at least 180  
20          days but not more than 2 years, if the violation resulted  
21          in injury to another person.

22          (5.3) In addition to any other penalties imposed, a  
23          person convicted of violating subsection (c) of Section  
24          11-907 of the Illinois Vehicle Code shall have his or her  
25          driver's license, permit, or privileges suspended for 2  
26          years, if the violation resulted in the death of another

1 person.

2 (5.4) In addition to any other penalties imposed, a  
3 person convicted of violating Section 3-707 of the Illinois  
4 Vehicle Code shall have his or her driver's license,  
5 permit, or privileges suspended for 3 months and until he  
6 or she has paid a reinstatement fee of \$100.

7 (5.5) In addition to any other penalties imposed, a  
8 person convicted of violating Section 3-707 of the Illinois  
9 Vehicle Code during a period in which his or her driver's  
10 license, permit, or privileges were suspended for a  
11 previous violation of that Section shall have his or her  
12 driver's license, permit, or privileges suspended for an  
13 additional 6 months after the expiration of the original  
14 3-month suspension and until he or she has paid a  
15 reinstatement fee of \$100.

16 (6) (Blank).

17 (7) (Blank).

18 (8) (Blank).

19 (9) A defendant convicted of a second or subsequent  
20 offense of ritualized abuse of a child may be sentenced to  
21 a term of natural life imprisonment.

22 (10) (Blank).

23 (11) The court shall impose a minimum fine of \$1,000  
24 for a first offense and \$2,000 for a second or subsequent  
25 offense upon a person convicted of or placed on supervision  
26 for battery when the individual harmed was a sports

1 official or coach at any level of competition and the act  
2 causing harm to the sports official or coach occurred  
3 within an athletic facility or within the immediate  
4 vicinity of the athletic facility at which the sports  
5 official or coach was an active participant of the athletic  
6 contest held at the athletic facility. For the purposes of  
7 this paragraph (11), "sports official" means a person at an  
8 athletic contest who enforces the rules of the contest,  
9 such as an umpire or referee; "athletic facility" means an  
10 indoor or outdoor playing field or recreational area where  
11 sports activities are conducted; and "coach" means a person  
12 recognized as a coach by the sanctioning authority that  
13 conducted the sporting event.

14 (12) A person may not receive a disposition of court  
15 supervision for a violation of Section 5-16 of the Boat  
16 Registration and Safety Act if that person has previously  
17 received a disposition of court supervision for a violation  
18 of that Section.

19 (13) A person convicted of or placed on court  
20 supervision for an assault or aggravated assault when the  
21 victim and the offender are family or household members as  
22 defined in Section 103 of the Illinois Domestic Violence  
23 Act of 1986 or convicted of domestic battery or aggravated  
24 domestic battery may be required to attend a Partner Abuse  
25 Intervention Program under protocols set forth by the  
26 Illinois Department of Human Services under such terms and

1 conditions imposed by the court. The costs of such classes  
2 shall be paid by the offender.

3 (d) In any case in which a sentence originally imposed is  
4 vacated, the case shall be remanded to the trial court. The  
5 trial court shall hold a hearing under Section 5-4-1 of the  
6 Unified Code of Corrections which may include evidence of the  
7 defendant's life, moral character and occupation during the  
8 time since the original sentence was passed. The trial court  
9 shall then impose sentence upon the defendant. The trial court  
10 may impose any sentence which could have been imposed at the  
11 original trial subject to Section 5-5-4 of the Unified Code of  
12 Corrections. If a sentence is vacated on appeal or on  
13 collateral attack due to the failure of the trier of fact at  
14 trial to determine beyond a reasonable doubt the existence of a  
15 fact (other than a prior conviction) necessary to increase the  
16 punishment for the offense beyond the statutory maximum  
17 otherwise applicable, either the defendant may be re-sentenced  
18 to a term within the range otherwise provided or, if the State  
19 files notice of its intention to again seek the extended  
20 sentence, the defendant shall be afforded a new trial.

21 (e) In cases where prosecution for aggravated criminal  
22 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
23 Code of 1961 or the Criminal Code of 2012 results in conviction  
24 of a defendant who was a family member of the victim at the  
25 time of the commission of the offense, the court shall consider  
26 the safety and welfare of the victim and may impose a sentence

1 of probation only where:

2 (1) the court finds (A) or (B) or both are appropriate:

3 (A) the defendant is willing to undergo a court  
4 approved counseling program for a minimum duration of 2  
5 years; or

6 (B) the defendant is willing to participate in a  
7 court approved plan including but not limited to the  
8 defendant's:

9 (i) removal from the household;

10 (ii) restricted contact with the victim;

11 (iii) continued financial support of the  
12 family;

13 (iv) restitution for harm done to the victim;

14 and

15 (v) compliance with any other measures that  
16 the court may deem appropriate; and

17 (2) the court orders the defendant to pay for the  
18 victim's counseling services, to the extent that the court  
19 finds, after considering the defendant's income and  
20 assets, that the defendant is financially capable of paying  
21 for such services, if the victim was under 18 years of age  
22 at the time the offense was committed and requires  
23 counseling as a result of the offense.

24 Probation may be revoked or modified pursuant to Section  
25 5-6-4; except where the court determines at the hearing that  
26 the defendant violated a condition of his or her probation

1 restricting contact with the victim or other family members or  
2 commits another offense with the victim or other family  
3 members, the court shall revoke the defendant's probation and  
4 impose a term of imprisonment.

5 For the purposes of this Section, "family member" and  
6 "victim" shall have the meanings ascribed to them in Section  
7 11-0.1 of the Criminal Code of 2012.

8 (f) (Blank).

9 (g) Whenever a defendant is convicted of an offense under  
10 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
11 11-14.3, 11-14.4 except for an offense that involves keeping a  
12 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
13 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
14 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012, the defendant shall undergo medical  
16 testing to determine whether the defendant has any sexually  
17 transmissible disease, including a test for infection with  
18 human immunodeficiency virus (HIV) or any other identified  
19 causative agent of acquired immunodeficiency syndrome (AIDS).  
20 Any such medical test shall be performed only by appropriately  
21 licensed medical practitioners and may include an analysis of  
22 any bodily fluids as well as an examination of the defendant's  
23 person. Except as otherwise provided by law, the results of  
24 such test shall be kept strictly confidential by all medical  
25 personnel involved in the testing and must be personally  
26 delivered in a sealed envelope to the judge of the court in

1 which the conviction was entered for the judge's inspection in  
2 camera. Acting in accordance with the best interests of the  
3 victim and the public, the judge shall have the discretion to  
4 determine to whom, if anyone, the results of the testing may be  
5 revealed. The court shall notify the defendant of the test  
6 results. The court shall also notify the victim if requested by  
7 the victim, and if the victim is under the age of 15 and if  
8 requested by the victim's parents or legal guardian, the court  
9 shall notify the victim's parents or legal guardian of the test  
10 results. The court shall provide information on the  
11 availability of HIV testing and counseling at Department of  
12 Public Health facilities to all parties to whom the results of  
13 the testing are revealed and shall direct the State's Attorney  
14 to provide the information to the victim when possible. A  
15 State's Attorney may petition the court to obtain the results  
16 of any HIV test administered under this Section, and the court  
17 shall grant the disclosure if the State's Attorney shows it is  
18 relevant in order to prosecute a charge of criminal  
19 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012 against the  
21 defendant. The court shall order that the cost of any such test  
22 shall be paid by the county and may be taxed as costs against  
23 the convicted defendant.

24 (g-5) When an inmate is tested for an airborne communicable  
25 disease, as determined by the Illinois Department of Public  
26 Health including but not limited to tuberculosis, the results

1 of the test shall be personally delivered by the warden or his  
2 or her designee in a sealed envelope to the judge of the court  
3 in which the inmate must appear for the judge's inspection in  
4 camera if requested by the judge. Acting in accordance with the  
5 best interests of those in the courtroom, the judge shall have  
6 the discretion to determine what if any precautions need to be  
7 taken to prevent transmission of the disease in the courtroom.

8 (h) Whenever a defendant is convicted of an offense under  
9 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
10 defendant shall undergo medical testing to determine whether  
11 the defendant has been exposed to human immunodeficiency virus  
12 (HIV) or any other identified causative agent of acquired  
13 immunodeficiency syndrome (AIDS). Except as otherwise provided  
14 by law, the results of such test shall be kept strictly  
15 confidential by all medical personnel involved in the testing  
16 and must be personally delivered in a sealed envelope to the  
17 judge of the court in which the conviction was entered for the  
18 judge's inspection in camera. Acting in accordance with the  
19 best interests of the public, the judge shall have the  
20 discretion to determine to whom, if anyone, the results of the  
21 testing may be revealed. The court shall notify the defendant  
22 of a positive test showing an infection with the human  
23 immunodeficiency virus (HIV). The court shall provide  
24 information on the availability of HIV testing and counseling  
25 at Department of Public Health facilities to all parties to  
26 whom the results of the testing are revealed and shall direct

1 the State's Attorney to provide the information to the victim  
2 when possible. A State's Attorney may petition the court to  
3 obtain the results of any HIV test administered under this  
4 Section, and the court shall grant the disclosure if the  
5 State's Attorney shows it is relevant in order to prosecute a  
6 charge of criminal transmission of HIV under Section 12-5.01 or  
7 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
8 2012 against the defendant. The court shall order that the cost  
9 of any such test shall be paid by the county and may be taxed as  
10 costs against the convicted defendant.

11 (i) All fines and penalties imposed under this Section for  
12 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
13 Vehicle Code, or a similar provision of a local ordinance, and  
14 any violation of the Child Passenger Protection Act, or a  
15 similar provision of a local ordinance, shall be collected and  
16 disbursed by the circuit clerk as provided under Section 27.5  
17 of the Clerks of Courts Act.

18 (j) In cases when prosecution for any violation of Section  
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
20 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
21 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
22 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
23 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
24 Code of 2012, any violation of the Illinois Controlled  
25 Substances Act, any violation of the Cannabis Control Act, or  
26 any violation of the Methamphetamine Control and Community

1 Protection Act results in conviction, a disposition of court  
2 supervision, or an order of probation granted under Section 10  
3 of the Cannabis Control Act, Section 410 of the Illinois  
4 Controlled Substance Act, or Section 70 of the Methamphetamine  
5 Control and Community Protection Act of a defendant, the court  
6 shall determine whether the defendant is employed by a facility  
7 or center as defined under the Child Care Act of 1969, a public  
8 or private elementary or secondary school, or otherwise works  
9 with children under 18 years of age on a daily basis. When a  
10 defendant is so employed, the court shall order the Clerk of  
11 the Court to send a copy of the judgment of conviction or order  
12 of supervision or probation to the defendant's employer by  
13 certified mail. If the employer of the defendant is a school,  
14 the Clerk of the Court shall direct the mailing of a copy of  
15 the judgment of conviction or order of supervision or probation  
16 to the appropriate regional superintendent of schools. The  
17 regional superintendent of schools shall notify the State Board  
18 of Education of any notification under this subsection.

19 (j-5) A defendant at least 17 years of age who is convicted  
20 of a felony and who has not been previously convicted of a  
21 misdemeanor or felony and who is sentenced to a term of  
22 imprisonment in the Illinois Department of Corrections shall as  
23 a condition of his or her sentence be required by the court to  
24 attend educational courses designed to prepare the defendant  
25 for a high school diploma and to work toward a high school  
26 diploma or to work toward passing the high school level Test of

1 General Educational Development (GED) or to work toward  
2 completing a vocational training program offered by the  
3 Department of Corrections. If a defendant fails to complete the  
4 educational training required by his or her sentence during the  
5 term of incarceration, the Prisoner Review Board shall, as a  
6 condition of mandatory supervised release, require the  
7 defendant, at his or her own expense, to pursue a course of  
8 study toward a high school diploma or passage of the GED test.  
9 The Prisoner Review Board shall revoke the mandatory supervised  
10 release of a defendant who wilfully fails to comply with this  
11 subsection (j-5) upon his or her release from confinement in a  
12 penal institution while serving a mandatory supervised release  
13 term; however, the inability of the defendant after making a  
14 good faith effort to obtain financial aid or pay for the  
15 educational training shall not be deemed a wilful failure to  
16 comply. The Prisoner Review Board shall recommit the defendant  
17 whose mandatory supervised release term has been revoked under  
18 this subsection (j-5) as provided in Section 3-3-9. This  
19 subsection (j-5) does not apply to a defendant who has a high  
20 school diploma or has successfully passed the GED test. This  
21 subsection (j-5) does not apply to a defendant who is  
22 determined by the court to be developmentally disabled or  
23 otherwise mentally incapable of completing the educational or  
24 vocational program.

25 (k) (Blank).

26 (l) (A) Except as provided in paragraph (C) of subsection

1 (1), whenever a defendant, who is an alien as defined by  
2 the Immigration and Nationality Act, is convicted of any  
3 felony or misdemeanor offense, the court after sentencing  
4 the defendant may, upon motion of the State's Attorney,  
5 hold sentence in abeyance and remand the defendant to the  
6 custody of the Attorney General of the United States or his  
7 or her designated agent to be deported when:

8 (1) a final order of deportation has been issued  
9 against the defendant pursuant to proceedings under  
10 the Immigration and Nationality Act, and

11 (2) the deportation of the defendant would not  
12 deprecate the seriousness of the defendant's conduct  
13 and would not be inconsistent with the ends of justice.

14 Otherwise, the defendant shall be sentenced as  
15 provided in this Chapter V.

16 (B) If the defendant has already been sentenced for a  
17 felony or misdemeanor offense, or has been placed on  
18 probation under Section 10 of the Cannabis Control Act,  
19 Section 410 of the Illinois Controlled Substances Act, or  
20 Section 70 of the Methamphetamine Control and Community  
21 Protection Act, the court may, upon motion of the State's  
22 Attorney to suspend the sentence imposed, commit the  
23 defendant to the custody of the Attorney General of the  
24 United States or his or her designated agent when:

25 (1) a final order of deportation has been issued  
26 against the defendant pursuant to proceedings under

1 the Immigration and Nationality Act, and

2 (2) the deportation of the defendant would not  
3 deprecate the seriousness of the defendant's conduct  
4 and would not be inconsistent with the ends of justice.

5 (C) This subsection (1) does not apply to offenders who  
6 are subject to the provisions of paragraph (2) of  
7 subsection (a) of Section 3-6-3.

8 (D) Upon motion of the State's Attorney, if a defendant  
9 sentenced under this Section returns to the jurisdiction of  
10 the United States, the defendant shall be recommitted to  
11 the custody of the county from which he or she was  
12 sentenced. Thereafter, the defendant shall be brought  
13 before the sentencing court, which may impose any sentence  
14 that was available under Section 5-5-3 at the time of  
15 initial sentencing. In addition, the defendant shall not be  
16 eligible for additional sentence credit for good conduct as  
17 provided under Section 3-6-3.

18 (m) A person convicted of criminal defacement of property  
19 under Section 21-1.3 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012, in which the property damage exceeds  
21 \$300 and the property damaged is a school building, shall be  
22 ordered to perform community service that may include cleanup,  
23 removal, or painting over the defacement.

24 (n) The court may sentence a person convicted of a  
25 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
26 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code

1 of 1961 or the Criminal Code of 2012 (i) to an impact  
2 incarceration program if the person is otherwise eligible for  
3 that program under Section 5-8-1.1, (ii) to community service,  
4 or (iii) if the person is an addict or alcoholic, as defined in  
5 the Alcoholism and Other Drug Abuse and Dependency Act, to a  
6 substance or alcohol abuse program licensed under that Act.

7 (o) Whenever a person is convicted of a sex offense as  
8 defined in Section 2 of the Sex Offender Registration Act, the  
9 defendant's driver's license or permit shall be subject to  
10 renewal on an annual basis in accordance with the provisions of  
11 license renewal established by the Secretary of State.

12 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;  
13 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article  
14 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,  
15 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
16 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.  
17 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,  
18 eff. 1-25-13.)

19 (730 ILCS 5/5-5-3.2)

20 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
21 Sentencing.

22 (a) The following factors shall be accorded weight in favor  
23 of imposing a term of imprisonment or may be considered by the  
24 court as reasons to impose a more severe sentence under Section  
25 5-8-1 or Article 4.5 of Chapter V:

1           (1) the defendant's conduct caused or threatened  
2 serious harm;

3           (2) the defendant received compensation for committing  
4 the offense;

5           (3) the defendant has a history of prior delinquency or  
6 criminal activity;

7           (4) the defendant, by the duties of his office or by  
8 his position, was obliged to prevent the particular offense  
9 committed or to bring the offenders committing it to  
10 justice;

11           (5) the defendant held public office at the time of the  
12 offense, and the offense related to the conduct of that  
13 office;

14           (6) the defendant utilized his professional reputation  
15 or position in the community to commit the offense, or to  
16 afford him an easier means of committing it;

17           (7) the sentence is necessary to deter others from  
18 committing the same crime;

19           (8) the defendant committed the offense against a  
20 person 60 years of age or older or such person's property;

21           (9) the defendant committed the offense against a  
22 person who is physically handicapped or such person's  
23 property;

24           (10) by reason of another individual's actual or  
25 perceived race, color, creed, religion, ancestry, gender,  
26 sexual orientation, physical or mental disability, or

1 national origin, the defendant committed the offense  
2 against (i) the person or property of that individual; (ii)  
3 the person or property of a person who has an association  
4 with, is married to, or has a friendship with the other  
5 individual; or (iii) the person or property of a relative  
6 (by blood or marriage) of a person described in clause (i)  
7 or (ii). For the purposes of this Section, "sexual  
8 orientation" means heterosexuality, homosexuality, or  
9 bisexuality;

10 (11) the offense took place in a place of worship or on  
11 the grounds of a place of worship, immediately prior to,  
12 during or immediately following worship services. For  
13 purposes of this subparagraph, "place of worship" shall  
14 mean any church, synagogue or other building, structure or  
15 place used primarily for religious worship;

16 (12) the defendant was convicted of a felony committed  
17 while he was released on bail or his own recognizance  
18 pending trial for a prior felony and was convicted of such  
19 prior felony, or the defendant was convicted of a felony  
20 committed while he was serving a period of probation,  
21 conditional discharge, or mandatory supervised release  
22 under subsection (d) of Section 5-8-1 for a prior felony;

23 (13) the defendant committed or attempted to commit a  
24 felony while he was wearing a bulletproof vest. For the  
25 purposes of this paragraph (13), a bulletproof vest is any  
26 device which is designed for the purpose of protecting the

1           wearer from bullets, shot or other lethal projectiles;

2           (14) the defendant held a position of trust or  
3 supervision such as, but not limited to, family member as  
4 defined in Section 11-0.1 of the Criminal Code of 2012,  
5 teacher, scout leader, baby sitter, or day care worker, in  
6 relation to a victim under 18 years of age, and the  
7 defendant committed an offense in violation of Section  
8 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
9 11-14.4 except for an offense that involves keeping a place  
10 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
11 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
12 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
13 of 2012 against that victim;

14           (15) the defendant committed an offense related to the  
15 activities of an organized gang. For the purposes of this  
16 factor, "organized gang" has the meaning ascribed to it in  
17 Section 10 of the Streetgang Terrorism Omnibus Prevention  
18 Act;

19           (16) the defendant committed an offense in violation of  
20 one of the following Sections while in a school, regardless  
21 of the time of day or time of year; on any conveyance  
22 owned, leased, or contracted by a school to transport  
23 students to or from school or a school related activity; on  
24 the real property of a school; or on a public way within  
25 1,000 feet of the real property comprising any school:  
26 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,

1 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
2 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
3 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
4 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
5 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
6 Criminal Code of 2012;

7 (16.5) the defendant committed an offense in violation  
8 of one of the following Sections while in a day care  
9 center, regardless of the time of day or time of year; on  
10 the real property of a day care center, regardless of the  
11 time of day or time of year; or on a public way within  
12 1,000 feet of the real property comprising any day care  
13 center, regardless of the time of day or time of year:  
14 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
15 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
17 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
18 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
19 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
20 Criminal Code of 2012;

21 (17) the defendant committed the offense by reason of  
22 any person's activity as a community policing volunteer or  
23 to prevent any person from engaging in activity as a  
24 community policing volunteer. For the purpose of this  
25 Section, "community policing volunteer" has the meaning  
26 ascribed to it in Section 2-3.5 of the Criminal Code of

1 2012;

2 (18) the defendant committed the offense in a nursing  
3 home or on the real property comprising a nursing home. For  
4 the purposes of this paragraph (18), "nursing home" means a  
5 skilled nursing or intermediate long term care facility  
6 that is subject to license by the Illinois Department of  
7 Public Health under the Nursing Home Care Act, the  
8 Specialized Mental Health Rehabilitation Act, or the ID/DD  
9 Community Care Act;

10 (19) the defendant was a federally licensed firearm  
11 dealer and was previously convicted of a violation of  
12 subsection (a) of Section 3 of the Firearm Owners  
13 Identification Card Act before its repeal by this  
14 amendatory Act of the 98th General Assembly and has now  
15 committed ~~either a felony violation of the Firearm Owners~~  
16 ~~Identification Card Act or~~ an act of armed violence while  
17 armed with a firearm;

18 (20) the defendant (i) committed the offense of  
19 reckless homicide under Section 9-3 of the Criminal Code of  
20 1961 or the Criminal Code of 2012 or the offense of driving  
21 under the influence of alcohol, other drug or drugs,  
22 intoxicating compound or compounds or any combination  
23 thereof under Section 11-501 of the Illinois Vehicle Code  
24 or a similar provision of a local ordinance and (ii) was  
25 operating a motor vehicle in excess of 20 miles per hour  
26 over the posted speed limit as provided in Article VI of

1 Chapter 11 of the Illinois Vehicle Code;

2 (21) the defendant (i) committed the offense of  
3 reckless driving or aggravated reckless driving under  
4 Section 11-503 of the Illinois Vehicle Code and (ii) was  
5 operating a motor vehicle in excess of 20 miles per hour  
6 over the posted speed limit as provided in Article VI of  
7 Chapter 11 of the Illinois Vehicle Code;

8 (22) the defendant committed the offense against a  
9 person that the defendant knew, or reasonably should have  
10 known, was a member of the Armed Forces of the United  
11 States serving on active duty. For purposes of this clause  
12 (22), the term "Armed Forces" means any of the Armed Forces  
13 of the United States, including a member of any reserve  
14 component thereof or National Guard unit called to active  
15 duty;

16 (23) the defendant committed the offense against a  
17 person who was elderly, disabled, or infirm by taking  
18 advantage of a family or fiduciary relationship with the  
19 elderly, disabled, or infirm person;

20 (24) the defendant committed any offense under Section  
21 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
22 of 2012 and possessed 100 or more images;

23 (25) the defendant committed the offense while the  
24 defendant or the victim was in a train, bus, or other  
25 vehicle used for public transportation;

26 (26) the defendant committed the offense of child

1 pornography or aggravated child pornography, specifically  
2 including paragraph (1), (2), (3), (4), (5), or (7) of  
3 subsection (a) of Section 11-20.1 of the Criminal Code of  
4 1961 or the Criminal Code of 2012 where a child engaged in,  
5 solicited for, depicted in, or posed in any act of sexual  
6 penetration or bound, fettered, or subject to sadistic,  
7 masochistic, or sadomasochistic abuse in a sexual context  
8 and specifically including paragraph (1), (2), (3), (4),  
9 (5), or (7) of subsection (a) of Section 11-20.1B or  
10 Section 11-20.3 of the Criminal Code of 1961 where a child  
11 engaged in, solicited for, depicted in, or posed in any act  
12 of sexual penetration or bound, fettered, or subject to  
13 sadistic, masochistic, or sadomasochistic abuse in a  
14 sexual context;

15 (27) the defendant committed the offense of first  
16 degree murder, assault, aggravated assault, battery,  
17 aggravated battery, robbery, armed robbery, or aggravated  
18 robbery against a person who was a veteran and the  
19 defendant knew, or reasonably should have known, that the  
20 person was a veteran performing duties as a representative  
21 of a veterans' organization. For the purposes of this  
22 paragraph (27), "veteran" means an Illinois resident who  
23 has served as a member of the United States Armed Forces, a  
24 member of the Illinois National Guard, or a member of the  
25 United States Reserve Forces; and "veterans' organization"  
26 means an organization comprised of members of which

1 substantially all are individuals who are veterans or  
2 spouses, widows, or widowers of veterans, the primary  
3 purpose of which is to promote the welfare of its members  
4 and to provide assistance to the general public in such a  
5 way as to confer a public benefit; or

6 (28) the defendant committed the offense of assault,  
7 aggravated assault, battery, aggravated battery, robbery,  
8 armed robbery, or aggravated robbery against a person that  
9 the defendant knew or reasonably should have known was a  
10 letter carrier or postal worker while that person was  
11 performing his or her duties delivering mail for the United  
12 States Postal Service.

13 For the purposes of this Section:

14 "School" is defined as a public or private elementary or  
15 secondary school, community college, college, or university.

16 "Day care center" means a public or private State certified  
17 and licensed day care center as defined in Section 2.09 of the  
18 Child Care Act of 1969 that displays a sign in plain view  
19 stating that the property is a day care center.

20 "Public transportation" means the transportation or  
21 conveyance of persons by means available to the general public,  
22 and includes paratransit services.

23 (b) The following factors, related to all felonies, may be  
24 considered by the court as reasons to impose an extended term  
25 sentence under Section 5-8-2 upon any offender:

26 (1) When a defendant is convicted of any felony, after

1           having been previously convicted in Illinois or any other  
2           jurisdiction of the same or similar class felony or greater  
3           class felony, when such conviction has occurred within 10  
4           years after the previous conviction, excluding time spent  
5           in custody, and such charges are separately brought and  
6           tried and arise out of different series of acts; or

7           (2) When a defendant is convicted of any felony and the  
8           court finds that the offense was accompanied by  
9           exceptionally brutal or heinous behavior indicative of  
10          wanton cruelty; or

11          (3) When a defendant is convicted of any felony  
12          committed against:

13                 (i) a person under 12 years of age at the time of  
14                 the offense or such person's property;

15                 (ii) a person 60 years of age or older at the time  
16                 of the offense or such person's property; or

17                 (iii) a person physically handicapped at the time  
18                 of the offense or such person's property; or

19          (4) When a defendant is convicted of any felony and the  
20          offense involved any of the following types of specific  
21          misconduct committed as part of a ceremony, rite,  
22          initiation, observance, performance, practice or activity  
23          of any actual or ostensible religious, fraternal, or social  
24          group:

25                 (i) the brutalizing or torturing of humans or  
26                 animals;

1 (ii) the theft of human corpses;

2 (iii) the kidnapping of humans;

3 (iv) the desecration of any cemetery, religious,  
4 fraternal, business, governmental, educational, or  
5 other building or property; or

6 (v) ritualized abuse of a child; or

7 (5) When a defendant is convicted of a felony other  
8 than conspiracy and the court finds that the felony was  
9 committed under an agreement with 2 or more other persons  
10 to commit that offense and the defendant, with respect to  
11 the other individuals, occupied a position of organizer,  
12 supervisor, financier, or any other position of management  
13 or leadership, and the court further finds that the felony  
14 committed was related to or in furtherance of the criminal  
15 activities of an organized gang or was motivated by the  
16 defendant's leadership in an organized gang; or

17 (6) When a defendant is convicted of an offense  
18 committed while using a firearm with a laser sight attached  
19 to it. For purposes of this paragraph, "laser sight" has  
20 the meaning ascribed to it in Section 26-7 of the Criminal  
21 Code of 2012; or

22 (7) When a defendant who was at least 17 years of age  
23 at the time of the commission of the offense is convicted  
24 of a felony and has been previously adjudicated a  
25 delinquent minor under the Juvenile Court Act of 1987 for  
26 an act that if committed by an adult would be a Class X or

1 Class 1 felony when the conviction has occurred within 10  
2 years after the previous adjudication, excluding time  
3 spent in custody; or

4 (8) When a defendant commits any felony and the  
5 defendant used, possessed, exercised control over, or  
6 otherwise directed an animal to assault a law enforcement  
7 officer engaged in the execution of his or her official  
8 duties or in furtherance of the criminal activities of an  
9 organized gang in which the defendant is engaged.

10 (c) The following factors may be considered by the court as  
11 reasons to impose an extended term sentence under Section 5-8-2  
12 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

13 (1) When a defendant is convicted of first degree  
14 murder, after having been previously convicted in Illinois  
15 of any offense listed under paragraph (c)(2) of Section  
16 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
17 within 10 years after the previous conviction, excluding  
18 time spent in custody, and the charges are separately  
19 brought and tried and arise out of different series of  
20 acts.

21 (1.5) When a defendant is convicted of first degree  
22 murder, after having been previously convicted of domestic  
23 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
24 (720 ILCS 5/12-3.3) committed on the same victim or after  
25 having been previously convicted of violation of an order  
26 of protection (720 ILCS 5/12-30) in which the same victim

1 was the protected person.

2 (2) When a defendant is convicted of voluntary  
3 manslaughter, second degree murder, involuntary  
4 manslaughter, or reckless homicide in which the defendant  
5 has been convicted of causing the death of more than one  
6 individual.

7 (3) When a defendant is convicted of aggravated  
8 criminal sexual assault or criminal sexual assault, when  
9 there is a finding that aggravated criminal sexual assault  
10 or criminal sexual assault was also committed on the same  
11 victim by one or more other individuals, and the defendant  
12 voluntarily participated in the crime with the knowledge of  
13 the participation of the others in the crime, and the  
14 commission of the crime was part of a single course of  
15 conduct during which there was no substantial change in the  
16 nature of the criminal objective.

17 (4) If the victim was under 18 years of age at the time  
18 of the commission of the offense, when a defendant is  
19 convicted of aggravated criminal sexual assault or  
20 predatory criminal sexual assault of a child under  
21 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
22 of Section 12-14.1 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

24 (5) When a defendant is convicted of a felony violation  
25 of Section 24-0.1 or 24-1 of the Criminal Code of 1961 or  
26 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a

1 finding that the defendant is a member of an organized  
2 gang.

3 (6) When a defendant was convicted of unlawful use of  
4 weapons under Section 24-1 of the Criminal Code of 1961 or  
5 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
6 a weapon that is not readily distinguishable as one of the  
7 weapons enumerated in Section 24-1 of the Criminal Code of  
8 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

9 (7) When a defendant is convicted of an offense  
10 involving the illegal manufacture of a controlled  
11 substance under Section 401 of the Illinois Controlled  
12 Substances Act (720 ILCS 570/401), the illegal manufacture  
13 of methamphetamine under Section 25 of the Methamphetamine  
14 Control and Community Protection Act (720 ILCS 646/25), or  
15 the illegal possession of explosives and an emergency  
16 response officer in the performance of his or her duties is  
17 killed or injured at the scene of the offense while  
18 responding to the emergency caused by the commission of the  
19 offense. In this paragraph, "emergency" means a situation  
20 in which a person's life, health, or safety is in jeopardy;  
21 and "emergency response officer" means a peace officer,  
22 community policing volunteer, fireman, emergency medical  
23 technician-ambulance, emergency medical  
24 technician-intermediate, emergency medical  
25 technician-paramedic, ambulance driver, other medical  
26 assistance or first aid personnel, or hospital emergency

1 room personnel.

2 (d) For the purposes of this Section, "organized gang" has  
3 the meaning ascribed to it in Section 10 of the Illinois  
4 Streetgang Terrorism Omnibus Prevention Act.

5 (e) The court may impose an extended term sentence under  
6 Article 4.5 of Chapter V upon an offender who has been  
7 convicted of a felony violation of Section 11-1.20, 11-1.30,  
8 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
9 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
10 when the victim of the offense is under 18 years of age at the  
11 time of the commission of the offense and, during the  
12 commission of the offense, the victim was under the influence  
13 of alcohol, regardless of whether or not the alcohol was  
14 supplied by the offender; and the offender, at the time of the  
15 commission of the offense, knew or should have known that the  
16 victim had consumed alcohol.

17 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,  
18 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;  
19 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.  
20 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,  
21 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,  
22 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; 97-693, eff. 1-1-13;  
23 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff.  
24 1-25-13.)

25 Section 130. The Stalking No Contact Order Act is amended

1 by changing Section 80 as follows:

2 (740 ILCS 21/80)

3 Sec. 80. Stalking no contact orders; remedies.

4 (a) If the court finds that the petitioner has been a  
5 victim of stalking, a stalking no contact order shall issue;  
6 provided that the petitioner must also satisfy the requirements  
7 of Section 95 on emergency orders or Section 100 on plenary  
8 orders. The petitioner shall not be denied a stalking no  
9 contact order because the petitioner or the respondent is a  
10 minor. The court, when determining whether or not to issue a  
11 stalking no contact order, may not require physical injury on  
12 the person of the petitioner. Modification and extension of  
13 prior stalking no contact orders shall be in accordance with  
14 this Act.

15 (b) A stalking no contact order shall order one or more of  
16 the following:

17 (1) prohibit the respondent from threatening to commit  
18 or committing stalking;

19 (2) order the respondent not to have any contact with  
20 the petitioner or a third person specifically named by the  
21 court;

22 (3) prohibit the respondent from knowingly coming  
23 within, or knowingly remaining within a specified distance  
24 of the petitioner or the petitioner's residence, school,  
25 daycare, or place of employment, or any specified place

1 frequented by the petitioner; however, the court may order  
2 the respondent to stay away from the respondent's own  
3 residence, school, or place of employment only if the  
4 respondent has been provided actual notice of the  
5 opportunity to appear and be heard on the petition;

6 (4) prohibit the respondent from ~~possessing a Firearm~~  
7 ~~Owners Identification Card,~~ or possessing or buying  
8 firearms; and

9 (5) order other injunctive relief the court determines  
10 to be necessary to protect the petitioner or third party  
11 specifically named by the court.

12 (b-5) When the petitioner and the respondent attend the  
13 same public, private, or non-public elementary, middle, or high  
14 school, the court when issuing a stalking no contact order and  
15 providing relief shall consider the severity of the act, any  
16 continuing physical danger or emotional distress to the  
17 petitioner, the educational rights guaranteed to the  
18 petitioner and respondent under federal and State law, the  
19 availability of a transfer of the respondent to another school,  
20 a change of placement or a change of program of the respondent,  
21 the expense, difficulty, and educational disruption that would  
22 be caused by a transfer of the respondent to another school,  
23 and any other relevant facts of the case. The court may order  
24 that the respondent not attend the public, private, or  
25 non-public elementary, middle, or high school attended by the  
26 petitioner, order that the respondent accept a change of

1 placement or program, as determined by the school district or  
2 private or non-public school, or place restrictions on the  
3 respondent's movements within the school attended by the  
4 petitioner. The respondent bears the burden of proving by a  
5 preponderance of the evidence that a transfer, change of  
6 placement, or change of program of the respondent is not  
7 available. The respondent also bears the burden of production  
8 with respect to the expense, difficulty, and educational  
9 disruption that would be caused by a transfer of the respondent  
10 to another school. A transfer, change of placement, or change  
11 of program is not unavailable to the respondent solely on the  
12 ground that the respondent does not agree with the school  
13 district's or private or non-public school's transfer, change  
14 of placement, or change of program or solely on the ground that  
15 the respondent fails or refuses to consent to or otherwise does  
16 not take an action required to effectuate a transfer, change of  
17 placement, or change of program. When a court orders a  
18 respondent to stay away from the public, private, or non-public  
19 school attended by the petitioner and the respondent requests a  
20 transfer to another attendance center within the respondent's  
21 school district or private or non-public school, the school  
22 district or private or non-public school shall have sole  
23 discretion to determine the attendance center to which the  
24 respondent is transferred. In the event the court order results  
25 in a transfer of the minor respondent to another attendance  
26 center, a change in the respondent's placement, or a change of

1 the respondent's program, the parents, guardian, or legal  
2 custodian of the respondent is responsible for transportation  
3 and other costs associated with the transfer or change.

4 (b-6) The court may order the parents, guardian, or legal  
5 custodian of a minor respondent to take certain actions or to  
6 refrain from taking certain actions to ensure that the  
7 respondent complies with the order. In the event the court  
8 orders a transfer of the respondent to another school, the  
9 parents, guardian, or legal custodian of the respondent are  
10 responsible for transportation and other costs associated with  
11 the change of school by the respondent.

12 (b-7) The court shall not hold a school district or private  
13 or non-public school or any of its employees in civil or  
14 criminal contempt unless the school district or private or  
15 non-public school has been allowed to intervene.

16 (b-8) The court may hold the parents, guardian, or legal  
17 custodian of a minor respondent in civil or criminal contempt  
18 for a violation of any provision of any order entered under  
19 this Act for conduct of the minor respondent in violation of  
20 this Act if the parents, guardian, or legal custodian directed,  
21 encouraged, or assisted the respondent minor in such conduct.

22 (c) The court may award the petitioner costs and attorneys  
23 fees if a stalking no contact order is granted.

24 (d) Monetary damages are not recoverable as a remedy.

25 (e) If the stalking no contact order prohibits the  
26 respondent from possessing a Firearm Owner's Identification

1 Card, or possessing or buying firearms; the court shall  
2 confiscate the respondent's Firearm Owner's Identification  
3 Card and immediately return the card to the Department of State  
4 Police Firearm Owner's Identification Card Office.

5 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;  
6 97-1131, eff. 1-1-13.)

7 Section 135. The Mental Health and Developmental  
8 Disabilities Confidentiality Act is amended by changing  
9 Section 12 as follows:

10 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

11 Sec. 12. (a) If the United States Secret Service or the  
12 Department of State Police requests information from a mental  
13 health or developmental disability facility, as defined in  
14 Section 1-107 and 1-114 of the Mental Health and Developmental  
15 Disabilities Code, relating to a specific recipient and the  
16 facility director determines that disclosure of such  
17 information may be necessary to protect the life of, or to  
18 prevent the infliction of great bodily harm to, a public  
19 official, or a person under the protection of the United States  
20 Secret Service, only the following information may be  
21 disclosed: the recipient's name, address, and age and the date  
22 of any admission to or discharge from a facility; and any  
23 information which would indicate whether or not the recipient  
24 has a history of violence or presents a danger of violence to

1 the person under protection. Any information so disclosed shall  
2 be used for investigative purposes only and shall not be  
3 publicly disseminated. Any person participating in good faith  
4 in the disclosure of such information in accordance with this  
5 provision shall have immunity from any liability, civil,  
6 criminal or otherwise, if such information is disclosed relying  
7 upon the representation of an officer of the United States  
8 Secret Service or the Department of State Police that a person  
9 is under the protection of the United States Secret Service or  
10 is a public official.

11 For the purpose of this subsection (a), the term "public  
12 official" means the Governor, Lieutenant Governor, Attorney  
13 General, Secretary of State, State Comptroller, State  
14 Treasurer, member of the General Assembly, member of the United  
15 States Congress, Judge of the United States as defined in 28  
16 U.S.C. 451, Justice of the United States as defined in 28  
17 U.S.C. 451, United States Magistrate Judge as defined in 28  
18 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or  
19 Supreme, Appellate, Circuit, or Associate Judge of the State of  
20 Illinois. The term shall also include the spouse, child or  
21 children of a public official.

22 (b) The Department of Human Services (acting as successor  
23 to the Department of Mental Health and Developmental  
24 Disabilities) and all public or private hospitals and mental  
25 health facilities are required, as hereafter described in this  
26 subsection, to furnish the Department of State Police only such

1 information as may be required for the sole purpose of  
2 determining whether an individual who may be or may have been a  
3 patient is disqualified because of that status from receiving  
4 or retaining a firearm under paragraph (7) of subsection (a) of  
5 Section 24-0.1 of the Criminal Code of 2012 ~~Firearm Owner's~~  
6 ~~Identification Card under subsection (e) or (f) of Section 8 of~~  
7 ~~the Firearm Owners Identification Card Act~~ or 18 U.S.C. 922(g)  
8 and (n). All public or private hospitals and mental health  
9 facilities shall, in the form and manner required by the  
10 Department, provide the ~~such~~ information as shall be necessary  
11 for the Department to comply with the reporting requirements to  
12 the Department of State Police. The ~~Such~~ information shall be  
13 furnished within 7 days after admission to a public or private  
14 hospital or mental health facility or the provision of services  
15 to a patient described in clause (2) of this subsection (b).  
16 Any such information disclosed under this subsection shall  
17 remain privileged and confidential, and shall not be  
18 redisclosed, except as required by clause (e)(2) of Section  
19 24-4.5 of the Criminal Code of 2012 ~~3.1 of the Firearm Owners~~  
20 ~~Identification Card Act~~, nor utilized for any other purpose.  
21 The method of requiring the providing of this ~~such~~ information  
22 shall guarantee that no information is released beyond what is  
23 necessary for this purpose. In addition, the information  
24 disclosed shall be provided by the Department within the time  
25 period established by Section 24-3 of the Criminal Code of 2012  
26 regarding the delivery of firearms. The method used shall be

1 sufficient to provide the necessary information within the  
2 prescribed time period, which may include periodically  
3 providing lists to the Department of Human Services or any  
4 public or private hospital or mental health facility of ~~Firearm~~  
5 ~~Owner's Identification Card~~ applicants for firearm purchases  
6 on which the Department or hospital shall indicate the  
7 identities of those individuals who are to its knowledge  
8 disqualified from having a firearm ~~Firearm Owner's~~  
9 ~~Identification Card~~ for reasons described herein. The  
10 Department may provide for a centralized source of information  
11 for the State on this subject under its jurisdiction.

12 Any person, institution, or agency, under this Act,  
13 participating in good faith in the reporting or disclosure of  
14 records and communications otherwise in accordance with this  
15 provision or with rules, regulations or guidelines issued by  
16 the Department shall have immunity from any liability, civil,  
17 criminal or otherwise, that might result by reason of the  
18 action. For the purpose of any proceeding, civil or criminal,  
19 arising out of a report or disclosure in accordance with this  
20 provision, the good faith of any person, institution, or agency  
21 so reporting or disclosing shall be presumed. The full extent  
22 of the immunity provided in this subsection (b) shall apply to  
23 any person, institution or agency that fails to make a report  
24 or disclosure in the good faith belief that the report or  
25 disclosure would violate federal regulations governing the  
26 confidentiality of alcohol and drug abuse patient records

1 implementing 42 U.S.C. 290dd-3 and 290ee-3.

2 For purposes of this subsection (b) only, the following  
3 terms shall have the meaning prescribed:

4 (1) "Hospital" means only that type of institution  
5 which is providing full-time residential facilities and  
6 treatment.

7 (2) "Patient" shall include only: (i) a person who is  
8 an in-patient or resident of any public or private hospital  
9 or mental health facility or (ii) a person who is an  
10 out-patient or provided services by a public or private  
11 hospital or mental health facility whose mental condition  
12 is of such a nature that it is manifested by violent,  
13 suicidal, threatening, or assaultive behavior or reported  
14 behavior, for which there is a reasonable belief by a  
15 physician, clinical psychologist, or qualified examiner  
16 that the condition poses a clear and present or imminent  
17 danger to the patient, any other person or the community  
18 ~~meaning the patient's condition poses a clear and present~~  
19 ~~danger in accordance with subsection (f) of Section 8 of~~  
20 ~~the Firearm Owners Identification Card Act.~~ The terms  
21 physician, clinical psychologist, and qualified examiner  
22 are defined in Sections 1-120, 1-103, and 1-122 of the  
23 Mental Health and Developmental Disabilities Code.

24 (3) "Mental health facility" is defined by Section  
25 1-114 of the Mental Health and Developmental Disabilities  
26 Code.

1           (c) Upon the request of a peace officer who takes a person  
2 into custody and transports such person to a mental health or  
3 developmental disability facility pursuant to Section 3-606 or  
4 4-404 of the Mental Health and Developmental Disabilities Code  
5 or who transports a person from such facility, a facility  
6 director shall furnish said peace officer the name, address,  
7 age and name of the nearest relative of the person transported  
8 to or from the mental health or developmental disability  
9 facility. In no case shall the facility director disclose to  
10 the peace officer any information relating to the diagnosis,  
11 treatment or evaluation of the person's mental or physical  
12 health.

13           For the purposes of this subsection (c), the terms "mental  
14 health or developmental disability facility", "peace officer"  
15 and "facility director" shall have the meanings ascribed to  
16 them in the Mental Health and Developmental Disabilities Code.

17           (d) Upon the request of a peace officer or prosecuting  
18 authority who is conducting a bona fide investigation of a  
19 criminal offense, or attempting to apprehend a fugitive from  
20 justice, a facility director may disclose whether a person is  
21 present at the facility. Upon request of a peace officer or  
22 prosecuting authority who has a valid forcible felony warrant  
23 issued, a facility director shall disclose: (1) whether the  
24 person who is the subject of the warrant is present at the  
25 facility and (2) the date of that person's discharge or future  
26 discharge from the facility. The requesting peace officer or

1 prosecuting authority must furnish a case number and the  
2 purpose of the investigation or an outstanding arrest warrant  
3 at the time of the request. Any person, institution, or agency  
4 participating in good faith in disclosing such information in  
5 accordance with this subsection (d) is immune from any  
6 liability, civil, criminal or otherwise, that might result by  
7 reason of the action.

8 (Source: P.A. 96-193, eff. 8-10-09; 97-1150, eff. 1-25-13.)

9 Section 140. The Uniform Disposition of Unclaimed Property  
10 Act is amended by changing Section 1 as follows:

11 (765 ILCS 1025/1) (from Ch. 141, par. 101)

12 Sec. 1. As used in this Act, unless the context otherwise  
13 requires:

14 (a) "Banking organization" means any bank, trust company,  
15 savings bank, industrial bank, land bank, safe deposit company,  
16 or a private banker.

17 (b) "Business association" means any corporation, joint  
18 stock company, business trust, partnership, or any  
19 association, limited liability company, or other business  
20 entity consisting of one or more persons, whether or not for  
21 profit.

22 (c) "Financial organization" means any savings and loan  
23 association, building and loan association, credit union,  
24 currency exchange, co-operative bank, mutual funds, or

1 investment company.

2 (d) "Holder" means any person in possession of property  
3 subject to this Act belonging to another, or who is trustee in  
4 case of a trust, or is indebted to another on an obligation  
5 subject to this Act.

6 (e) "Life insurance corporation" means any association or  
7 corporation transacting the business of insurance on the lives  
8 of persons or insurance appertaining thereto, including, but  
9 not by way of limitation, endowments and annuities.

10 (f) "Owner" means a depositor in case of a deposit, a  
11 beneficiary in case of a trust, a creditor, claimant, or payee  
12 in case of other property, or any person having a legal or  
13 equitable interest in property subject to this Act, or his  
14 legal representative.

15 (g) "Person" means any individual, business association,  
16 financial organization, government or political subdivision or  
17 agency, public authority, estate, trust, or any other legal or  
18 commercial entity.

19 (h) "Utility" means any person who owns or operates, for  
20 public use, any plant, equipment, property, franchise, or  
21 license for the transmission of communications or the  
22 production, storage, transmission, sale, delivery, or  
23 furnishing of electricity, water, steam, oil or gas.

24 (i) (Blank).

25 (j) "Insurance company" means any person transacting the  
26 kinds of business enumerated in Section 4 of the Illinois

1 Insurance Code other than life insurance.

2 (k) "Economic loss", as used in Sections 2a and 9 of this  
3 Act includes, but is not limited to, delivery charges,  
4 mark-downs and write-offs, carrying costs, restocking charges,  
5 lay-aways, special orders, issuance of credit memos, and the  
6 costs of special services or goods provided that reduce the  
7 property value or that result in lost sales opportunity.

8 (l) "Reportable property" means property, tangible or  
9 intangible, presumed abandoned under this Act that must be  
10 appropriately and timely reported and remitted to the Office of  
11 the State Treasurer under this Act. Interest, dividends, stock  
12 splits, warrants, or other rights that become reportable  
13 property under this Act include the underlying security or  
14 commodity giving rise to the interest, dividend, split,  
15 warrant, or other right to which the owner would be entitled.

16 (m) "Firearm" has the meaning ascribed to that term in  
17 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~  
18 ~~Identification Card Act.~~

19 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99; 91-748,  
20 eff. 6-2-00.)

21 Section 999. Effective date. This Act takes effect upon  
22 becoming law.

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2	Statutes amended in order of appearance	
3	5 ILCS 140/7.5	
4	15 ILCS 310/10b.1	from Ch. 124, par. 110b.1
5	15 ILCS 410/10b.1	from Ch. 15, par. 426
6	20 ILCS 415/8b.1	from Ch. 127, par. 63b108b.1
7	20 ILCS 2605/2605-45	was 20 ILCS 2605/55a-5
8	20 ILCS 2605/2605-120 rep.	
9	20 ILCS 2630/2.2	
10	50 ILCS 710/1	from Ch. 85, par. 515
11	65 ILCS 5/10-1-7	from Ch. 24, par. 10-1-7
12	65 ILCS 5/10-1-7.1	
13	65 ILCS 5/10-2.1-6	from Ch. 24, par. 10-2.1-6
14	65 ILCS 5/10-2.1-6.3	
15	70 ILCS 705/16.06	from Ch. 127 1/2, par. 37.06
16	70 ILCS 705/16.06b	
17	105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
18	105 ILCS 5/10-27.1A	
19	105 ILCS 5/34-8.05	
20	225 ILCS 447/35-35	
21	405 ILCS 5/6-103.1	
22	410 ILCS 45/2	from Ch. 111 1/2, par. 1302
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1 625 ILCS 5/12-612  
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4 705 ILCS 405/5-130  
5 705 ILCS 405/5-407  
6 705 ILCS 405/5-901  
7 720 ILCS 5/2-7.1  
8 720 ILCS 5/2-7.5  
9 720 ILCS 5/12-3.05 was 720 ILCS 5/12-4  
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11 720 ILCS 5/24-0.1 new  
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20 720 ILCS 5/24-3.5  
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22 720 ILCS 5/24-9  
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24 720 ILCS 646/10  
25 725 ILCS 5/110-4 from Ch. 38, par. 110-4  
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- 1 730 ILCS 5/5-5-3 from Ch. 38, par. 1005-5-3
- 2 730 ILCS 5/5-5-3.2
- 3 740 ILCS 21/80
- 4 740 ILCS 110/12 from Ch. 91 1/2, par. 812
- 5 765 ILCS 1025/1 from Ch. 141, par. 101